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**'WHITE MUTINY'**  
**The Ilbert Bill Crisis in India**  
**and**  
**Genesis of the Indian National Congress**



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**The Ilbert Bill Crisis in India  
and  
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**Edwin Hirschmann**



**Heritage Publishers  
1980**

**'WHITE MUTINY'**

**The Ilbert Bill Crisis in India and Genesis of  
the Indian National Congress**

**By Edwin Hirschmann**

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## List of Abbreviations used in References

**Add. MSS**—Additional Manuscripts

**B.M.**—British Museum

**Council Proceedings**—Abstract of the Proceedings of the Governor-General of India in Council

**I.O.L.**—India Office Library

**I.S.P.**—Indian State Papers

**N.P.**—Northbrook Papers

**P.P.**—Parliamentary Papers

**R.N.P.**—Reports on Native Papers

**R.P.**—Ripon Papers

## **Brief Biography of the Ilbert Bill**

**February 2, 1883**—C.P. Ilbert introduces his Bill.

**February 5, 1883**—The Attack on the Bill begins.

**February 28, 1883**—Monster protest meeting in Calcutta's Town Hall.

**March 9, 1883**—Legislative Council debate on the Bill.

**August 10, 1883**—Government accepts the 'Turner Compromise'.

**December 1, 1883**—Ripon returns to Calcutta for final confrontation.

**December 22, 1883**—The 'concordat'.

**January 25, 1884**—Final Passage of the twice-modified Bill.

# Preface

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All shortcomings are, of course, the author's responsibility, entirely.



# Contents

<i>List of Abbreviations</i>	v
<i>Brief Biography of the Ilbert Bill</i>	vi
<i>Preface</i>	ix
Introduction: The Fantasy Empire	1
1. <i>The Birth of a Bill</i>	5
1. The Jurisdiction Problem	5
2. Entry of the Planters	8
3. The Indian Civilians	10
4. Lord Ripon Arrives	14
5. The Impact of Better Communications	20
6. Preparation of the Bill	23
2. <i>The Rise and Spread of the Opposition</i>	36
1. Introduction of the Bill	36
2. The Attack of the Newspapers	41
3. The Protest Meetings	52
4. The Town Hall Meeting and its Aftermath	63
5. The Council Debate of March 9	75
3. <i>The Campaign Against the Bill</i>	100
1. Ripon in Distress	100
2. Origins of the Campaign	103
3. The Extent of the Campaign	107
4. The Direction of the Campaign	109
5. Reasons for the Opposition	116
6. The Role of the Press	140
7. The Choosing of Sides	144

<b>4. <i>A Summer of Discontent</i></b>	<b>162</b>
1. The Growing Rift	162
2. The Official Opinions	168
3. Searching for a Compromise	175
4. Summer in Bengal	179
5. The Reluctant Home Government	184
6. Carrying the Battle to Britain	191
7. The Zamindars and the Tenancy Bill	198
8. The Problem of Credibility	200
9. Preparing for the Showdown	207
<b>5. <i>Confrontation, Resolution, and Recrimination</i></b>	<b>231</b>
1. The Calcutta Reception	231
2. Peace Feelers	240
3. The Concordat	245
4. The Attack on Concordat	249
5. Ripon's Defence	257
6. The Bill Enacted	266
<b>6. <i>Epilogue</i></b>	<b>280</b>
<b>7. <i>Conclusion: Anomalies and Deceptions</i></b>	<b>287</b>
<b>Appendices</b>	<b>291</b>
A. Leading Indian Language Newspapers of 1883	291
B. The Ilbert Bill (text)	294
C. The Town Hall Speeches	297
D. A Selection of Verse	302
E. The Compromise Proposal	305
F. Act No. III of 1884	307
<b>Bibliography</b>	<b>311</b>
<b>Index</b>	<b>323</b>

## INTRODUCTION

# The Fantasy Empire

THE British Indian Empire was such stuff as dreams are made of: an ancient and fabulous civilization, fallen on hard times and taken over by an intrepid band of bravos. Many a young Englishman must have envisioned himself a district or imperial potentate, surrounded by thousands of adoring subjects, dispensing justice, authority, security, benevolence, wisdom. . . . It was a career *worthy* of a man. And if problems arose, if the subjects were not always so adoring, why, English valor and shrewdness and pluck could always see a man through!

By 1883, Britain had been controlling India for as long as practically anyone could remember, and the British considered this control perfectly natural. After all, was not the Briton "the heir of all the ages, in the foremost files of time," as Tennyson put it? Fortunately for India, the British had troubled themselves to come and stamp out wars and disorder and famine and barbarous customs, to protect the people and acquaint them with the advantages of the modern world. They had undertaken a responsibility to "the poor, benighted Hindoo," and to fulfil it they would have to maintain their position in India permanently, or at least for all the foreseeable future.

The British "knew" the Indian:<sup>1</sup> the opulent (if decadent) maharaja, the brave (if simple-minded) sepoy, the religious exotic, the fatalistic and caste-ridden peasant, the picturesque tribesman. Such characters peopled the Anglo-Indian imagi-

nation and writings of the period, including those of Rudyard Kipling. Kipling, in 1883, was a young newspaperman in Lahore, provincial capital of the Punjab, where he filled empty spaces in the columns of the *Civil and Military Gazette* with what were later published as *Department Ditties* and *Plain Tales from the Hills*.<sup>2</sup> Here he developed the literary skills which enabled him to promulgate the Anglo-Indian world-view and preserve it for posterity.

But Kipling's India was not all of India. A thousand miles from Lahore stood Calcutta, bustling capital of the British *raj*. Calcutta was a city of offices and shops, of masonry mansions and ramshackle huts, of a river front with puffing steamships, of railroads and warehouses and workshops. On crowded streets, Englishmen mingled with Indians who did not fit the stereotypes: doctors and lawyers, businessmen and clerks, teachers and college students. Some of those pretentious fellows even wore frock coats and trousers, and tried to speak English!

Kipling did not like Calcutta—"The City of Dreadful Night," he called it. The Bengalis of his fiction were usually half-Westernized bunglers or fun figures. For Kipling, and for most of his countrymen, Calcutta was not the "real" India. What was "real" were those tranquil villages and rugged tribesmen.

The villages remain, but history proceeds, and the British *raj* has become, as even Kipling uncharacteristically warned, 'one with Nineveh and Tyre'. Where did it all go wrong? Actually, had it ever been quite right? British rule in India proved far less durable and mere fragile than the Victorians had foreseen; perhaps it had never been really stable or secure. Perhaps the *raj* was essentially a huge bluff, a "confidence" game run, not by deinvigods on horseback, but by men who, behind their stern Victorian masks, were frightened and puzzled mortals, though they dared not admit it even to themselves.

The beginning of the end came when the masks began to slip, and the Indians perceived the perspiring and trembling reality behind them.<sup>3</sup> This was what occurred in 1883, when British India was suddenly upset by the angry controversy over the Ilbert Bill. This modest proposal by the Government of India would have expanded the authority of a few Indian

officials—experienced judges and magistrates—by giving them criminal jurisdiction over resident Europeans. Such a proposal was intolerable to most Britons in the India of 1883. They organized and conducted a vehement protest against the Bill and succeeded in having it modified.

The blast which this bill ignited left lasting scars. At a crucial point in India's political development, the tempest of argument and animosity, of insult and counter-insult, created an antagonism between the British and leading Indians. The course of the controversy exposed weaknesses in the supposedly smooth and efficient imperial machinery. It thus set the stage for the nationalist movement. One eyewitness put it bluntly: "The response to the agitation of the Europeans against the Ilbert Bill was the National Congress."<sup>4</sup>

Despite its importance, the episode received little attention from historians for many years. Vincent A. Smith, in the first edition of the *Oxford History of India*, depicted the bill as merely an unnecessary blunder by a tangle-footed Viceroy, unfortunate but of no real significance.<sup>5</sup> Only in more recent years have such writers as Percival Spear, Sarvepalli Gopal, Anil Seal, and S.R. Mehrotra given it appropriate recognition. Nevertheless, the full story of the Ilbert Bill has never been told nor its full implications examined. Vital questions were left unanswered concerning the conflict of imperial ideologies, the role of the Viceroy, Lord Ripon, in creation of the Bill; the viewpoints of the men around Ripon and their influence, the men behind the opposition and their motivations, the role of the press, the role of the Home (*i.e.*, British) Government, the reasons for Ripon's much-criticized compromise, and the impact of self-images on the imperial relationship.

The Ilbert Bill episode did not change the course of history. The "fantasy empire," it may be seen in retrospect, was too fantastic to endure: an entire subcontinent run (at least superficially) by a handful of aliens. It was an amazing and complex but temporary relationship between two nations, and it remains a fruitful field for study.

## NOTES

<sup>1</sup>An “Indian” is defined for purposes of this study as a person born in mainland South Asia of essentially South Asian descent. Using the term here is admittedly anachronistic; “natives,” the term usually employed in 1883, is not currently in vogue.

<sup>2</sup>RUDYARD KIPLING. *Something of Myself, For My Friends Known and Unknown* (New York, 1937), p. 73.

<sup>3</sup>In fact, Kipling warned his countrymen about this very danger in novelette, *The Man Who Would Be King*, in which two British adventurers subdue a mountain state and rule it in style until the tribesmen discover that they are mortal and fallible; the tribesmen then turn on them and destroy them.

<sup>4</sup>Rt. Rev. HENRY WHITEHEAD, *Indian Problems in Religion, Education and Politics* (London, 1924), p. 214.

<sup>5</sup>*Oxford History of India*, (1st edn.) p. 757.

# 1

## The Birth of A Bill

### 1. The Jurisdiction Problem

WHILE the British merchants of the East India Company were taking political control of India, from 1757 through 1818, they ruled their company towns—Bombay, Calcutta, Madras—with a firm hand. Most of the Europeans were in Company service and assigned there. The rest were kept in tight rein by the Company's licensing powers.<sup>1</sup> These had been kept minimal; from 1814 through 1832, only 1,324 private Europeans had been licensed to enter British India.<sup>2</sup>

This rein was broken by the Charter Act of 1833.<sup>3</sup> The product of a reformist Parliament, it specified rights of both non-official Europeans and Indian residents of the Company settlements. For the former, the licensing requirement was virtually abolished, along with the prohibition on British subjects acquiring land in India.<sup>4</sup> For the latter, the act provided that no native subject “shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office, or employment under the Company.”<sup>5</sup> Thus, the charter renewal act, by establishing the claims of both prospective antagonists, unwittingly prepared the ground for future confrontations.

The backbone of the imperial administration was the famed Covenanted Civil Service. This service has been lavishly praised (especially by its own alumni). Philip Mason has compared it with Plato’s ideal guardians of the state, while

R.J. Moore called it "the most talented bureaucracy the world has ever seen."<sup>6</sup> These Civilians were, supposedly, carefully recruited, trained, screened, and promoted, and the Government of India was required by law to staff its "superior" positions (with exceptions) from their ranks.<sup>7</sup>

But if this elite cadre of perhaps a thousand men was the backbone, it obviously could not be the appendages of a government which ruled hundreds of millions of persons. The traditional mechanism of local revenue and judicial functionaries, often hereditary in their appointments, was largely incorporated into the system of British rule. Busy Company officials found it necessary to hire uncovenanted aides locally for clerical and other jobs. These were often Indian, sometimes European or Eurasian. Not only were they less expensive, but they generally knew the work better than young probationers recently arrived from England.<sup>8</sup> In short, the British could not govern India without the agency of many Indians. But in what roles, and at what levels?

This question was crucial in the *mufassil* (rural) areas, where the keystone of the administration was the District Collector. His original job had been to supervise revenue collections, but Judicial and magisterial responsibilities were soon added. The workload proved too heavy for the lone official. The appointment of joint and Assistant Magistrates was authorized, then a network of District and Sessions Judges. Still more help was needed, so in 1843 the Governor-General's Legislative Council authorized the appointment of one or more Deputy Magistrates in each district, to be chosen from the uncovenanted services.<sup>9</sup> Those uncovenanted executive and judicial services consisted by 1881 of 1,197 Europeans and 2,012 Indians.<sup>10</sup> Thus, Indians would be candidates for positions open to those services.

Initially, none of these officials had criminal jurisdiction over European British subjects in the *mufassil*: these could only be tried by the Supreme Courts (later High Courts) of the Presidency Towns (Bombay, Madras, and Calcutta). Anyone with a criminal complaint against a *mufassil* European had to place the information before a magistrate. If the magistrate thought the evidence was sufficient, he had the suspect arrested and sent to a Presidency Town for trial—but the complainant

and witnesses had to go, too, whatever the costs and difficulties might be.<sup>11</sup> Implementation was further handicapped by a definition of 'European British subject' which included any person born in the Cape of Good Hope, Natal, Australia, or New Zealand, as well as his children, or his grandchildren.<sup>12</sup> This made claims to European status by Indian-looking persons difficult to prove or disprove.

Attempts were made from time to time to ease the difficulty by extending local jurisdiction over Europeans. The Charter Act of 1813 allowed District Magistrates to try Europeans for assault, forcible entry, "or other injury, accompanied by force, not being felonious."<sup>13</sup> The Indian Law Commission, created in 1833 to revise the law codes, recommended subjecting Europeans to local courts and judges in civil cases. Non-official Europeans protested indignantly. Mass meetings were held and petitions signed against this "black act."<sup>14</sup> But T.B. Macaulay, the guiding spirit of the Law Commission, obtained Legislative Council passage of the civil code in 1836. The opposition, though vehement, was virtually confined to Calcutta; few Europeans were living in the *mufassil* when this bill was enacted.<sup>15</sup>

A similar effort to extend the criminal jurisdiction in 1849 provoked another outcry, this one amplified by the fact that the existing criminal code was the old Islamic one.<sup>16</sup> The Governor-General, Lord Dalhousie, yielded and withdrew the Bill until the code could be replaced by an English-based one. The next consideration of the jurisdiction, in 1857, was halted by the Mutiny, during which European residents in the *mufassil* were sometimes attacked by insurgents. After that, the Government was more concerned with protecting the Europeans and less with protecting Indians *from* Europeans. This trend may be seen in the new Criminal Procedure Code, finally enacted as Act XXV of 1861. Under it, only a Justice of the Peace could commit a European British subject for trial in a Presidency Town or even try him locally on the petty charges allowed in 1813.<sup>17</sup> Justices of the Peace were prominent citizens appointed in each locality by the provincial government. In the *mufassil* they were all Europeans. Some magistrates had the Justice of Peace commissions; others did not. Under the 1861 code, any magistrate could still issue a warrant

for the arrest of a European, but if he were not a Justice of the Peace, the accused had to be sent to one immediately or freed on bail.<sup>18</sup> But for serious crimes, Europeans remained exempt from trial in their local districts, and Indians complained of mistreatment at those exempt hands.<sup>19</sup>

## 2. Entry of the Planters

The jurisdiction problem became more acute after the Charter Act of 1833 opened the door for Europeans. They entered the *mufassil* in increasing numbers and began to develop their own communities and patterns of life in provincial capitals, military cantonments, commercial centres, and hill stations. Unfortunately, this coincided with a growing estrangement between Europeans and Indians during the mid-century decades. One reason for this changing attitude was the spread and stabilization of British rule, which tended to give Englishmen an exalted view of their nation and countrymen.<sup>20</sup> A second reason was the increasing presence of European wives, most of whom seemed determined to keep inter-racial contacts to a minimum.<sup>21</sup> A third was the spread of racist ideas in Europe and thence to the outposts of European empires.<sup>22</sup> The Mutiny, with its blood-letting and recriminations, exacerbated matters. Racist thinking, of course, was not limited to Europeans or to India, but in the setting and circumstances of British India, it came easily.

Of all the non-official classes, it was the planters who carried the European presence to more remote areas of India. Hundreds of indigo plantations were established during the nineteenth century.<sup>23</sup> By the 1860s, coffee had become a large and profitable crop in the hills of South India. But the biggest of the plantation crops in the late nineteenth century was tea. The British had gotten their tea from China until 1838, when an experimental crop of Assam tea was marketed in London. Its reception led to the founding of the Assam Company in 1839, the first of many formed to develop tea plantations and related facilities in India.<sup>24</sup>

But tea planting raised special problems. Apart from long-term capital investments, tea estates needed extensive land, transportation, cheap labor, and reliable management. The land was available on the slopes of the Brahmaputra Valley and in the hilly regions of the subcontinent. Transportation to the farflung estates was more difficult, especially in Assam, where the only practical access was by river, and land transport from river to estate could take weeks.<sup>25</sup> Labor was also a particular concern in Assam. As local people were unwilling to work in the tea estates, the planters imported gangs of laborers, usually from Bihar and the North-Western Provinces. Working and living conditions were poor (despite Government regulations) and death and disease rates were high.<sup>26</sup> Since the coolies were under contract, managers felt entitled to use force, if necessary, to keep them on the job. Resentments and antagonisms were natural in such a situation.<sup>27</sup>

The planter was in a difficult position. He had to keep his estate producing in strange and often hostile surroundings. Estate managers, according to an 1867 report, were often "young men fresh from England, with no knowledge whatever of the business in which they were engaged, of the habits and language of the people under their control, or of the difficulties to be met and overcome."<sup>28</sup> A manager might be the only European within miles. In the rainy season, a remote garden could be isolated for months. In such solitude, the planter necessarily relied on his European neighbors for companionship. This companionship was institutionalized through the local European-only club, which got the planter off of his land and into congenial society.<sup>29</sup> The pressure for conformity within such an isolated community was manifest; Samuel Baildon, who had been an Assam planter, wrote:

There are not too many of one's own countrymen in the Indian Tea Districts; and it seems to be a mutually understood thing for those who are there to stick together as much as possible. Nothing pleases the natives so much as to see the Sahibs at variance; and it is consequently the social duty of every man to guard against gratifying the native populace in this regard.<sup>30</sup>

Despite these problems, plantations and planters spread. By 1882 there were 3,407 tea plantations which occupied 900,000 acres of British India.<sup>31</sup> Tea and coffee dotted the slopes of Assam, the hills of north and east Bengal, much of Kumaon, parts of the Kangra valleys of the Punjab, and the hills of the South.<sup>32</sup> The total British-born population of British India in 1881 was 89,788, of whom 1,189 were planters and land-holders.<sup>33</sup>

But proximity did not always mean understanding. One of those 89,788 wrote: “The longer we have occupied India, the less almost do we seem to know of the life of the people. The tendency, instead of being towards inter-communion, is rather in the direction of increased diversion.”<sup>34</sup> In such a situation, it is not surprising that mutual fears and suspicions grew between Indian coolies and their European bosses.

### 3. The Indian Civilians

The Charter Act of 1833, as has been shown, supposedly opened to educated Indians access to high positions in the Company’s service. The intent of the Court of Directors seems clear. Writing to the Government of India in December, 1834, it said that section 87 meant that there was to be no governing caste in British India,

that whatever other tests of qualification may be adopted, distinctions of race or religion shall not be of their number; that no subject of the King. . . shall be excluded, either from posts usually conferred on our uncovenanted servants in India, or from the covenanted service itself, provided he be otherwise eligible. . .<sup>35</sup>

Indians were to be admitted to places of trust, it said, and ‘fitness’ was to be the sole criterion of office. From 1853, appointment to the Covenanted Civil Service was based on competitive examination, and Indians too could compete; soldier-author John Kaye expected the entry of Indians to “the

highest offices in the State" to be 'simply a question of time.'<sup>36</sup> When the Crown assumed the governance of India in 1858, Queen Victoria, trying to reconcile Indians to British rule, proclaimed that

it is our further Will that, so far as may be, our Subjects, of whatever Race or Creed, be freely and impartially admitted to Offices in Our Service, the Duties of which they may be qualified by their education, ability, and integrity, duly to discharge.<sup>37</sup>

However, the statesmen who were to implement these lofty sentiments were unwilling to rely entirely on examination results to fill high offices. Sir Charles Wood, Secretary of State for India in 1860, wanted to recruit

the better class of Natives. I do not mean the mere creatures of competitive, or other, examinations, but members of the classes possessing property or station or influence in the country. . . . What we want in Natives is moral character, which no examination can test; and taking people from the better classes in such a way as to attach those classes to us.<sup>38</sup>

This view evolved into that portion of the Government of India Act of 1870 which allowed the Government to make direct appointments to the Covenanted Service of Indians of 'proved merit and ability' without an entrance examination.<sup>39</sup> (Men appointed under terms of this statute were known as 'statutories'.) The Liberal Duke of Argyll, then Secretary of State, hoped this would ease Indian access to office and provide incentives for talented Indian officers.<sup>40</sup>

The examination route to the I.C.S. was formidable. An Indian youth had to learn English well, travel to London, and study hard enough to best British competitors. The first to do so was Satyendranath Tagore in 1863. As a member of the rich and influential Tagore family of Bengal, he fitted Sir Charles Wood's specifications. Tagore was first posted to Ahmedabad as Assistant Collector-Magistrate. No other Indian entered the service until 1871, when three high-caste Bengali youths,

Romesh Chandra Dutt, Behari Lal Gupta, and Surendranath Banerjea, passed their final examinations and returned to India for posting.<sup>41</sup> Banerjea was assigned as an Assistant to Sylhet, a tea district in Assam. There the planters reportedly feared that he would be given Justice of the Peace powers.<sup>42</sup> (Act II of 1869 had made Indians who were Covenanted Civilians eligible for appointment as Justices of the Peace.) Such fears were soon quieted. In 1873 Banerjea signed a routine list of absconded prisoners which included a wrong name. A prompt inquiry and hearing resulted, and the young man was peremptorily ousted from his hard-won service appointment.<sup>43</sup> This episode made Banerjea a martyr in Bengali eyes and showed the potentiality for friction as Indians rose in the service and planters increased in number.

The Criminal Procedure Code was being rewritten in 1871-72, and the issue of jurisdiction over Europeans could not be avoided. James Fitzjames Stephen, law member of the Viceroy's Council, recognized the need for some local jurisdiction because, he told the Legislative Council, the existing system "extends practical immunity to English wrongdoers."<sup>44</sup> But Europeans objected to tribunals which lacked some of the safeguards of British justice: the presiding magistrate, for instance, also served as prosecutor.<sup>45</sup> So Stephen arranged a compromise under which Act II of 1869 was repealed and only experienced European magistrates could judge their countrymen.<sup>46</sup> His proposal, presented at the Council meeting of April 16, 1872, read:

No Magistrate, or Justice of the Peace, or Sessions Judge shall have jurisdiction to enquire into a complaint against a European British subject, or try a charge against a European British subject unless he is himself a European British subject. No Magistrate shall have such jurisdiction unless he is a Magistrate of the First Class and a Justice of the Peace.<sup>47</sup>

Stephen admitted that such a compromise could not be defended on principle, but he stressed the need for harmony between the Government and the European community.<sup>48</sup> In India, unlike Europe, personal distinctions in law were custo-

mary, he said, and the peoples even demanded them.

The Muhammadan has his personal law. The Hindu has his personal law. Women who, according to the custom of the country, ought not to appear in Court, are excused from appearing in Court. Natives of rank and influence enjoy, in many cases, privileges which stand precisely on the same principle; and are English people to be told that, whilst it is their duty to respect all these laws scrupulously, they are to claim nothing for themselves? . . .

I think there is no country in the world, and no race of men in the world, from whom a claim for absolute identity of law for persons of all races and all habits comes with so bad a grace as from the Natives of this country, filled as it is with every distinction which race, caste and religion can create, and passionately tenacious as are its inhabitants of such distinctions.<sup>49</sup>

Stephen's proposal was opposed by another councilor, Barrow H. Ellis, who described such a racial distinction as 'inconsistent and anomalous;' it would be "casting a stigma on the whole educated Native population of India."<sup>50</sup> Ellis moved to delete the offending section, but his motion lost by a vote of 5 to 7. Five years later, Indian magistrates in the Presidency Towns regained the jurisdiction (through Act IV of 1877), but not in the *mufassil*.

More Indians passed the Covenanted Civil Service examinations, and not all of them Bengalis. Shripad Babaji Thakur and Anandaram Boroah passed their final tests in 1872, Krishna Govind Gupta in 1873, Brajendra Nath De in 1875, and Cursetji Rastomji in 1876. (Pulikat Ratnavelu Chetti also passed, but he died soon after joining the Service.<sup>51</sup>

In 1876, however, this opportunity for bright young Indians was largely shut off by Lord Salisbury, the Conservative Secretary of State for India, who dropped the age ceiling for examination candidates from 21 to 19. This provoked cries of outrage from educated Indians. Surendranath Banerjea toured the country, addressing protest meetings.<sup>52</sup> During the next five years only one Indian, Kavasji Jamasji Badshah, passed the examination.

The Viceroy, Lord Lytton, wanted to bar Indians from the service, but he considered it 'a political necessity' to give them "as large a share as possible" of the subordinate offices.<sup>53</sup> He ordered that only Indians be appointed to posts carrying salaries of more than Rs. 200 a month, except for those reserved for Covenanted Civilians and those in certain specified departments.<sup>54</sup> Thomason College, in Roorkee, where the Public Works Department recruited its engineers, was to be restricted to Asians.<sup>55</sup> This time the outcry came from Eurasians and Anglo-Indians, for whom Government service had been the principal source of employment.<sup>56</sup> Thus, the Government's policies had upset two important and highly vocal groups by restricting their job opportunities.

Lytton also implemented Argyll's plan for statutory Civil Service appointments. His Government sought "young men of good family and social position, possessed of fair abilities and education" for the service.<sup>57</sup> Under the new rules, up to one-fifth of the annual appointments to Covenanted Service posts were to be given to Indians nominated by the provincial governments and confirmed by the Viceroy. These young men did not need to study in England or pass entrance examinations, although they had to pass the same later examinations as the 'competition wallahs' (men produced through the competitions). Their precise status was unclear; though not considered proper members of the Covenanted Service, they were given jobs reserved for that Service.<sup>58</sup> Their status became a subject of later misunderstandings as the problems posed by Indians in the imperial service grew.

#### 4. Lord Ripon Arrives

Into this situation came a reformer. In 1880 the Conservative government of Disraeli and Salisbury was shattered by Gladstone and the Liberals at the polls. Indian issues, especially the Afghan War, had figured prominently in the campaign. For Gladstone an empire needed moral justification. In 1877 he had written that "we have no interest in India, except the

well-being of India itself, and what that well-being will bring with it."<sup>59</sup> The continuation of British power in India, he said, would be determined by the will of the people of India. Britain's right to be in India depended on its presence being profitable to those peoples and being recognized by them as profitable, so 'moral' considerations had to come first.<sup>60</sup> Gladstone expressed similar views during the 1880 election campaign, and his victory was taken as an endorsement of them.<sup>61</sup> To carry out his 'moral' Indian policy, Gladstone selected the influential Marquis of Hartington as Secretary of State for India and, as Viceroy and Governor-General, George Frederick Samuel Robinson, First Marquis of Ripon.

He could not have found an English statesman with a better background than Ripon. Here was a patrician Radical, accustomed to positions of power, whose life had been bound up with India. The Robinsons were a wealthy York business family, but an ancestor had married a descendant of Oliver Cromwell, and Ripon, according to a biographer, "hugged the delusion to his last days that this Radicalism, which he prized in part as a legacy from his Cromwellian ancestry, had always remained with him unmodified."<sup>62</sup> He had been literally born at Number Ten Downing Street in 1827, while his father, Lord Goderich, was Prime Minister. He had been raised on the estate of a grandfather who, as Lord Hobart, had served as Governor of Madras and later as President of the East India Company's Board of Control. His father (then the Earl of Ripon) had been President of the Board of Control from 1843 to 1846, which gave the son an inside view of the India of Ellenborough and the First Sikh War. The young man read widely, travelled, and dabbled in Chartism and Christian Socialism.<sup>63</sup>

Despite such radical views, he had been elected to the House of Commons in 1852. After seven years as a backbencher he was made Under Secretary for War. In 1861, as Earl de Grey, he had served six educational months as Parliamentary Under Secretary for India, with Sir Charles Wood and Lord Lawrence as his tutors.<sup>64</sup> He became Secretary of War in 1863, then Secretary of State for India in 1866. His advance continued in 1868 when Gladstone made him Lord President of the council. His handling of the delicate negotiations with the

United States over the 'Alabama' claims had been rewarded with the marquisate. But in 1873 he had broken with Gladstone over the franchise question and left the Government. A year later he had committed apparent political suicide by converting to Roman Catholicism, drawing the scorn of those who considered Catholics not entirely English.<sup>65</sup> But the 'suicide' did not stay buried. Gradually he had returned to public life and, finding himself well-received, had offered his services to Liberal Party leaders. Gladstone, after his 1880 victory, would not offer Ripon a Cabinet post, but settled for the Viceroyalty of India. Ripon thus became the first viceroy to have served previously as both Under-Secretary and Secretary of State for India.

His dual title signified a dual role. As Viceroy he was the personal representative of the Crown, but as Governor-General he was head of the imperial political machinery in India. His powers seemed vast, but they were hemmed in by law, tradition, and bureaucratic routine.<sup>66</sup> His choice of advisers was circumscribed by seniority and protocol. His Executive Council had six ordinary members, appointed for five-year terms, and the Commander-in-Chief of the Indian Army as an extraordinary member.<sup>67</sup> Three of the ordinary members had to have served in India for ten years or more. In practice, this meant that the Council always contained two generals (one of the ordinary members was the Military Member) and three or four very senior Civilians. Only the Law Member and sometimes the Finance Member were sent from England by the Home Government.

For legislative purposes this Council was expanded by six to twelve additional members, appointed by the Governor-General for two-year terms.<sup>68</sup> At least half of these had to be non-officials. The Lieutenant-Governor of the province in which the Council was sitting was also an additional member. Though not formally selected as representatives, the additional members were Europeans and Indians appointed from different classes and regions of India, intended to obtain a broad range of views.<sup>69</sup> (But the Indians chosen before 1880 were almost exclusively wealthy landowners, ruling princes, and their chief ministers.)<sup>70</sup>

Ripon and Gladstone had little opportunity to install men

congenial to their view of the Indian Empire. The heads of the provincial governments, like most of the Council members, were chosen from the senior ranks of the Covenanted Service, except for the governors of Bombay and Madras, who were appointed by the Home Government. However, Disraeli had appointed Sir James Fergusson Governor of Bombay shortly before the 1880 elections. In fact, Fergusson, a retired Army officer who had held various offices under Conservative governments,<sup>71</sup> took office in Bombay on the same day as Gladstone did in Westminster (April 28, 1880). Gladstone could have recalled him immediately, but this would have been awkward, so Ripon simply had to endure him. For Governor of Madras the choice was Mountstuart Elphinstone Grant Duff, author, barrister, and amateur botanist.<sup>72</sup> The son of historian James Grant Duff, he had been a Member of Parliament and Under Secretary of State for the Colonies in 1881. Ripon wrote to Lord Northbrook, with whom he corresponded regularly:

So Grant Duff is to go to Madras. I quite approve the choice. He is undoubtedly a clever man and has thought a good deal about Indian affairs. . . . I wish we had a chance of a change at Bombay. I am much disappointed with Fergusson—he is, I fear, very narrow-minded and injudicious and has become intensely local—as local to use an expression of Hartington's, as if he had been born in a Bombay office.<sup>73</sup>

For most of the other provinces, Ripon tried to choose capable and sympathetic men from among the senior Civilians. Sir Alfred C. Lyall—urbane, introspective, and intellectual—was named Lieutenant-Governor of the North-Western Provinces. He appointed Sir Charles U. Aitchison, a bright ‘competition wallah’ as Lieutenant-Governor of the Punjab. As chief commissioners for the smaller provinces, he chose Charles E. Bernard for British Burma (i.e., Lower Burma), John H. Morris for the Central Provinces, and Charles A. Elliott, a particular Ripon favorite, for Assam.<sup>74</sup> Each would be severely tested by the events and pressures of 1883.

Since the members of the Imperial Council were appointed for fixed terms, Ripon began his viceroyalty with a hold-over

Council. In fact, one Conservative appointee, James Gibb, the 'Home Member', remained through Ripon's entire term. The Viceroy removed another, A. Rivers Thompson, only by appointing him Lieutenant-Governor of Bengal in 1882. He disliked Thompson's conservative views but felt they would be less of a problem in Bengal than on the Council. Besides, that opened a Council seat for a younger man whom he favored, Sir Steuart C. Bayley.<sup>75</sup> Also in 1882 Ripon was able to choose his third Civilian councilor, the Public Works Member, Theodore C. Hope. The Military Member, Lieutenant-General Thomas F. Wilson, was sent from the Military Department of the India Office.<sup>76</sup> General Donald M. Stewart, a hero of the Mutiny, was appointed Commander-in-Chief in 1881. Although a Conservative, he became a personal friend of Ripon,<sup>77</sup> who maintained a lively interest in military matters.

Ripon sought his firmest supporters through the appointment by the Home Government of the Finance and Law Members. For Finance he was given a presumed ally in Major Evelyn Baring, a young Liberal who had been private secretary to Northbrook (and who was later to administer Egypt and become Lord Cromer). But Ripon's legislative program was hampered by an unsympathetic Law Member, Whitely Stokes, until April, 1882, when his term expired. Ripon asked Hartington to send him "a good wide-minded constitutional lawyer and a sound Liberal."<sup>78</sup> The man chosen for the job was Courtenay Peregrine Ilbert.

Ilbert, son of a Devonshire parish rector, had had a brilliant university career at Balliol, then as a University Fellow. Called to the Bar in 1869, he had practiced privately and become active in Liberal Party affairs.<sup>79</sup> In 1882 he was serving as Parliamentary Counsel to the Treasury. Thus Ilbert was a man of limited experience and no previous Indian connection, but he was a man of confirmed Liberal principles, and Hartington endorsed him personally.<sup>80</sup>

Additional members for the Legislative Council were appointed more casually. Even their number varied. Henry S. Thomas and James W. Quinton, Civilians from Madras and the North-Western Provinces, respectively, were considered quasi-representatives of those governments, although obliged to speak for no one but themselves. Besides the Lieutenant-

Governor of Bengal (the ex-officio member), the two other officials who were additional members in 1883 were Herbert J. Reynolds, of the Bengal Revenue Board, and William Wilson Hunter, educator, author, and editor of the *Imperial Gazetteer of India*. Non-official members at the beginning of 1883 were two Englishmen, three Hindus, and a Muslim: Griffith H.P. Evans, a prominent Calcutta barrister; Robert Miller, partner in a shipping agency and president of the Bengal Chamber of Commerce; Maharajah Jotindra Mohan Tagore, wealthy and influential landlord; Siva Prasad, a Benares Vaisya, a prominent educator and literary figure who had been made a rajah; Durga Charan Laha, a wealthy Calcutta merchant and landowner (the first Indian businessman ever appointed); and Syed Ahmed Khan, then largely concerned with his Anglo-Oriental College at Aligarh.<sup>81</sup>

In addition to those serried ranks of senior officials around him, Ripon had to cope with that stronghold of retired officials, the Council of India, a Valhalla in Westminster, as it were, into which they had been spirited. The Council had been created as a counterweight to ministerial control of India. The Secretary of State could overrule it except on matters of finances, contracts, and appointments.<sup>82</sup> The Council could not create policy, but it could influence, obstruct, and annoy. In 1883 its fifteen members included seven retired Civilians and five retired Army officers.<sup>83</sup> Hartington, occupied elsewhere, knew little about India and refused to oppose the Council.<sup>84</sup> By 1883 the Council had usurped authority at the India Office.<sup>85</sup> Ripon railed at "the most Conservative body now existing in Europe" and warned a friend that "the old fogies in the Indian Council . . . look upon me as a dangerous radical; second only in wickedness to Gladstone, and they will, I fear, obstruct our plans as much as they can."<sup>86</sup>

Undismayed, Ripon pushed ahead with his reform program. British troops were withdrawn from Kandahar, in Afghanistan. Lytton's restrictive Vernacular Press Act was repealed. Creation of local self-government boards was promoted, despite the foot-dragging of some skeptical officials.<sup>87</sup> A measure to give Bengal cultivators greater security of rents and tenure was under intensive study. Steps were taken to improve education and trade. Ripon spoke out publicly and privately for increas-

ed Indian participation in the Government. There was some grumbling in Anglo-Indian circles, but in 1882 there was no resistance.

## 5. The Impact of Better Communications

Ripon’s India was vastly different in many ways from the India of his father’s day. Among the most significant, if least appreciated, were the improvements in transportation and communications, without which the events of 1883 never could have occurred. Before 1830 the usual route to and from India had been around the Cape of Good Hope. Passengers and even the most urgent messages took four to six months in transit, depending on the winds. The advent of the steamship in the 1830s, the switch from the Cape to the ‘overland’ route (i.e., through Egypt) in the 1840s, and the beginning of regular steamer runs by the Peninsular and Orient (‘P & O’) and other lines cut this to a reliable two months.<sup>88</sup> The construction of railroads in Europe and Egypt and, finally, the opening of the Suez Canal cut the passage time from England to India to three weeks by 1883. The imperial linkage was greatly tightened, India’s foreign trade tripled in a generation,<sup>89</sup> and for the British in India ‘home’ no longer seemed so far away.

The river flotilla and the railroad had a similar impact within India. Railroads spread out from the cities and across the country with remarkable speed in the 1850s. By 1866 one could travel from Howrah (across the river from Calcutta) to Delhi by rail, and what had been a three or four-week trip by palanquin was cut to 48 hours.<sup>90</sup> By 1871 the three Presidency Towns were linked together. By 1883 only a few isolated corners, such as the tea-growing areas of northern Bengal and Assam, were unreachable by rail, and the major cities were only hours apart.

Communication within India was eased by the organization of a centralized postal system with uniform rates in 1854. The first telegraph line was opened in 1851, and wires linked the major cities in 1855. These 3,000 miles of line grew to 11,000·

by 1860 and to 20,000 by 1880.<sup>91</sup> Lines connecting India with Europe via Russia and the Ottoman Empire were opened in 1865, but neither proved satisfactory. Reliable service awaited completion of the Indo-European cable through Suez, the Red Sea and the Arabian Sea in 1870.<sup>92</sup> In 1866, Reuters' opened offices in Bombay and began selling its commercial and news services.<sup>93</sup>

The Rea Sea cable gave the Secretary of State and the India Office a grip upon the Government of India which no law could have equalled. The Home authorities could participate in the decision-making, instead of being presented with accomplished facts. In 1873, for instance, Lord Northbrook in Simla telegraphed terms of a proposed alliance offered by Sher Ali, Emir of Kabul, and urged acceptance; the Cabinet cabled back a rejection.<sup>94</sup> By 1883, Ripon was in regular telegraphic contact with the Secretary of State, knowing he could count on a reply within 24 hours, if necessary.<sup>95</sup>

The impact on the press of India was equally dramatic. The daily newspaper had been confined to Calcutta (beginning in 1819) and Bombay (beginning in 1843). After the arrival of the telegraph it was established in Madras in 1855, Allahabad in 1869, Lahore in 1876, and Lucknow in 1877.<sup>96</sup> Daily news reports meant a readership better informed and more aware of events around them. The leisurely, rambling letters of correspondents were increasingly subordinated to terse telegraphic dispatches.<sup>97</sup> In the absence of a news agency newspapers had always borrowed freely from each other; now a newsworthy item would reverberate throughout India in a day or two. A 'nationwide' campaign was far more feasible in 1883 than a generation earlier.

By 1883 many of the hundreds of newspapers then published in India had become recognized organs of particular groups or viewpoints. They came in three categories. First were the Anglo-Indian papers, their columns filled with news of Britain and of Britons in India, each a vital component of the European community in which it was located. Calcutta had three Anglo-Indian dailies—the *Englishman*, oldest, largest, spokesman of the commercial and professional establishment; the *Indian Daily News*, and the *Statesman*, begun in 1875 by an outspoken liberal, Robert Knight.<sup>98</sup> In Bombay the *Times of*

*India* had become the ‘establishment’ paper for all of Western India,<sup>99</sup> and the *Bombay Gazette*, under Grattan Geary, furnished the liberal opposition. Madras had the *Mail* for the commercial and professional community and the *Times*, which, though older, was smaller and more independent. The *Pioneer* of Allahabad was the *pukka* paper of North India,<sup>100</sup> along with its smaller affiliate, the *Civil and Military Gazette* of Lahore.

The second category was the Indian-run English-language newspapers, spokesmen for the growing number of Western-oriented English-reading Indians, and often cutting across regional and traditional social barriers. This group included only one daily, Calcutta’s *Indian Mirror*, the organ of the reformist Brahmo Samaj, with Narendra Nath Sen as editor and proprietor.<sup>101</sup> More prominent, perhaps, was the weekly *Hindoo Patriot*, run by the conservative British Indian Association and edited by Kristo Das Pal, assistant secretary of that association. *Amrita Bazar Patrika* was begun in a Bengali village in 1868, and although it moved to Calcutta and switched to the English language, it retained a rustic vigor compared with the urbane and progressive *Mirror* and the thoughtful and restrained *Patriot*. Its approach to the news was frankly agitational, and its editors delighted in taunting the British.<sup>102</sup> Outside of Calcutta, the Indian English journals were newer and less established. Among the important ones were the *Indian Spectator* of Bombay, run by Behramji M. Malabari, a young Parsi poet and social reformer; *Mahratta* of Poona, begun in 1881 by Bal Gangadhar Tilak, and the *Hindu* of Madras, founded and edited by a progressive Tamil Brahman, G. Subramanya Iyer.<sup>103</sup>

Third were the Indian language papers, displaying a wide variety of languages and a still wider variety of viewpoints. The official lists indicate that in 1883 there were between 150 and 200 such papers, many of them small and ephemeral.<sup>104</sup> Most were local in their interests and parochial in their outlook, with circulations that rarely reached 1,000.<sup>105</sup> Often they were the organs of local religious, political or social associations, edited more or less casually as a sideline by men who might be clerks or school teachers. Yet they were capable of fierce indignation on issues which stirred (or should have stirred) their readers. They were especially sensitive to incidents

which could be construed as racial or national insults or injustices, such as the deposition of the Gaekwad of Baroda in 1875 or the Fuller Case of 1876.<sup>106</sup>

Thus, Indian public opinion, such as it was, was inchoate and naive. The vehicles for its expression were diverse, narrow, and limited. Yet there was the beginning of a recognition of larger issues and commonality of interests. And if an occasion for concerted action should arise, the requisite technical facilities existed as never before.

## 6. Preparation of the Bill

The problem of criminal jurisdiction over Europeans was not a part of Ripon's program, but it kept intruding; he simply could not avoid it. In 1876 the number of annual appointments to the Covenanted Service had been reduced because of complaints of overstaffing, which had restricted promotional opportunities. Henceforth the Covenanted Service was to be limited to "the chief administrative appointments" and the smaller number of posts needed to train junior Civilians, with all other positions staffed from the uncovenanted service.<sup>107</sup>

But the reduction was too severe and created a shortage of Covenanted Civilians. In 1880 the Lieutenant-Governor of Bengal, Sir Ashley Eden, stated that he needed 90 experienced European Civilians in Bengal in addition to the District Officers, but because of understaffing and attrition he had only 66. He asked that more Europeans be appointed to the Subordinate Executive Service, and that he be allowed to fill those 24 vacant posts with experienced Europeans chosen from that uncovenanted service, since under the code only Europeans could be made Justices of the Peace.<sup>108</sup> The Government of India refused, replying that the service regulations had to be maintained. Instead, it said, the existing law would be reconsidered, "in order to determine whether Natives may not be invested with the powers of a Justice of the Peace."<sup>109</sup> This was decidedly not what the Government of Bengal wanted.

After consultations, its secretary replied:

As regards the question of vesting Native Deputy Magistrates with the powers of a Justice of the Peace in order to enable them to enquire into or try cases against European British subjects, I am to explain that it is not only in trying such cases that European officers are wanted, but that it would be impossible to keep order and quiet in the indigo districts without a large staff of European officers. All experience shows that the Natives are unable to control satisfactorily the administration of such districts and subdivisions.<sup>110</sup>

Only three weeks later, the question popped up again. The Criminal Procedure Code was being revised once more. James Gibbs, in a note of June 6, 1881, urged extension of the jurisdiction over Europeans to Indians. He warned that the issue would have to be faced, even though “it would give rise to a great amount of feeling in Bengal.”<sup>111</sup> Baring supported him, but Rivers Thompson, Whitely Stokes, and Generals Wilson and Stewart opposed such a change. Ripon, faced with a negative majority in Executive Council, wrote: “I have no doubt that a change in the existing law...is only a question of time, and that it will have to be made and ought to be made; but I am inclined to think that the opportune moment for making it has not yet arrived.”<sup>112</sup>

The new code was presented to the Legislative Council early in the 1882. Maharajah Jotindra Mohan Tagore planned to introduce an amendment extending the jurisdiction. Stokes told Ripon that such an amendment was “reasonable but untimely,” as a debate on it would delay passage of the code. So Ripon privately dissuaded the Maharajah from introducing his amendment, promising instead that the Executive Council would discuss it separately.<sup>113</sup> The new code passed as Act X of 1882, with the racial restrictions included as Sections 443, 444, and 445.

Meanwhile, those Indians in the Covenanted Service were being routinely promoted. By 1882 Satyendranath Tagore had been made District and Sessions Judge of North Kanara, a district with few Europeans.<sup>114</sup> Behari Lal Gupta had become

Presidency Magistrate in Calcutta (where he *could* try Europeans) and had enough seniority to qualify for charge of a district. Krishna Govind Gupta and Brajendra Nath De were also nearing the stage at which they could be considered for positions as District Officers.<sup>115</sup> Brajendro Coomar Seal, of the Subordinate Judicial Service, was District and Sessions Judge at Bankura.<sup>116</sup>

The other senior Indian, Romesh Chunder Dutt, served as officiating (i.e., acting) District Officer briefly at Bankura in 1881 and at Balasore in 1882. The *Pioneer*, belatedly discovering this, was shocked at the idea of a 'native' placed in charge of a district. This, it said, violated the principle on which British rule in India had been founded, because it "put executive political authority of the State into the hands of native officials. The administration of districts means the Government of the country."<sup>117</sup> In January, 1883, Dutt was named Joint Magistrate of Dacca. But five days later the appointment was cancelled; the construction of a railway through Dacca was bringing in a number of Europeans, and Dutt lacked jurisdiction over them.<sup>118</sup> Instead he was transferred to Backergunge, a remote coastal district. It was an awkward situation.

The Ilbert Bill evolved through normal procedure. When the Criminal Procedure Code was being revised in 1882, the Bengal Government routinely asked its officers for comments. In response, Behari Lal Gupta submitted a note on January 30, 1882, citing the 'anomalous position' of an Indian District Magistrate or Sessions Judge, appointed to a position of authority but unable to exercise that authority. "The provision of the law would give rise to an invidious distinction and to many practical inconveniences," he wrote, probably thinking of what had happened to his friend Dutt.<sup>119</sup>

On March 20 the Secretary of the Bengal Government sent Gupta's note to the Government of India. He cited the rise of Native Covenanted Civilians to positions of authority, then stated:

For these reasons Sir Ashley Eden is of the opinion that the time has now arrived when all Native members of the Covenanted Civil Service should be relieved of such restrictions. . . or when at least (those) who have attained the

position of District Magistrate or Sessions Judge should have entrusted to them full powers over all classes. . .<sup>120</sup>

Alexander Mackenzie, Secretary for the Home Department, sent this to Ripon on April 5, adding:

It is really too absurd having District Magistrates and Sessions Judges unable to try cases which their European Assistants can take up, and which a *Native Assistant* acting as a Presidency Magistrate can dispose of. The position is really not defensible. If the Local Governments took the same view as Bengal, the slight change required could be made, and would, I believe, only raise a slight and temporary outcry among the more bigotted Europeans.<sup>121</sup>

Ripon, following the ponderous procedure of the time, sent the notes to the other provincial governments for comment, accompanied by a letter saying he himself believed that "all members of the Covenanted Service, whether European or Native, ought to be placed on the same footing," and that the existing distinction was not defensible.<sup>122</sup>

The replies trickled back. Bernard in Burma and Morris in the Central Provinces favored removal of the disability. The only outright opposition came from John D. Sandford, Chief Commissioner of Coorg. On the other hand, Aitchison in the Punjab favored a bolder measure: appointments based entirely on personal qualification, without any restriction of race or service. Fergusson in Bombay, Elliott in Assam, and Lyall in the North-Western Provinces wanted to extend the jurisdiction at least to Indians who were District Magistrates and Sessions Judges.<sup>123</sup> In Madras, Governor Grant Duff and the Army Commander-in-Chief, General Sir Frederick Roberts, agreed that racial distinctions within the service could not be maintained. But a forecast of trouble came from David F. Carmichael, senior member of the Madras Council. He said that the jurisdiction had been denied to Indians in 1872 because "the British Lion, a vulgar brute, no doubt, wagged his tail and roared; that he would do so now is, I think, pretty certain," because the 'lower order' of Britons in India would not entrust even a 'Native Civilian' with their liberties.<sup>124</sup>

Despite the differences over scope and detail, there was a clear consensus in the local opinions for a move forward. The docket next went to the Executive Council. Thompson and Stokes, who had opposed extending the jurisdiction the previous year, had been replaced on the Council by Bayley and Ilbert. This time the Executive Council approved the proposal except for General Wilson, who remained opposed, and Hope, who wanted to restrict the jurisdiction to District Magistrates, Sessions Judges, and those who had "shown very especial fitness" by experience.<sup>125</sup> Ilbert agreed that some magistrates lacked sufficient training and experience. He therefore proposed that the jurisdiction over Europeans be confined to District Magistrates, Sessions Judges, and inferior magistrates who were Justices of the Peace regardless of race, with the Justices chosen entirely from the Covenanted Civil Service. He added naively: "I cannot help thinking that these arguments would commend themselves to the reasonable Native as well as to the reasonable European. If they did not, I should doubt their soundness, and should be prepared to reconsider them."<sup>126</sup>

Ilbert then drafted the Bill and sent the dossier to the Secretary of State on September 9, along with a letter explaining it and the need for it. No change in the law, he said, would "be satisfactory or stable which fails to remove from the Statute Book, at once and completely, every judicial disqualification which is based merely on race distinctions and the supposed personal privileges of a dominant caste".<sup>127</sup> Ripon considered Ilbert's Bill a fair compromise. He and Baring personally favored Aitchison's more sweeping proposal, he wrote to Hartington, while Hope's 'crotchet' would, if accepted, practically reduce the Bill to a sham, since District Magistrates were generally too busy to try original cases.<sup>128</sup> The Bill was presented to the India Council on October 3, sent to committee, brought before the full Council, and on December 5 approved.<sup>129</sup> When the Government of India was so notified, the Bill was ready for the Legislative Council. Meanwhile, word of the Government's intent had leaked out through the Press without drawing much European reaction.<sup>130</sup>

The timing, however, was unfortunate. The Anglo-Indians were upset, not only at the larger trends of the Liberal program, but over such practical matters as the restricted admis-

sion to Thomason College (*supra*, p. 14), which Hartington had just confirmed and strengthened.<sup>131</sup> The judges of the Calcutta High Court had two particular grievances. Their salaries had just been reduced by the Home Government to the level of the other High Courts.<sup>132</sup> When the Chief Justice, Sir Richard Garth, had gone home on leave, Ripon had named his seniormost colleague as Acting Chief Justice. This happened to be the only Indian on that bench, Romesh Chunder Mitter. This upset Garth, and Ripon heard he had spent his leave "getting up a Tory conspiracy against the Government." The Chief Justice, he wrote, "is now at open war with the Government, and doing all the mischief he can in regard to the Bengal Rent Bill."<sup>133</sup> This was written thirteen days before the introduction of the Ilbert Bill.

Thus, it is seen that (1) the Ilbert Bill was not due to a brainstorm by Ilbert, Ripon, or Gupta, as was later alleged, but was simply the product of circumstances; (2) the issue was not new or sudden but an old and continuing one; (3) it was not a part of Ripon's program, and he acted only on the preponderant advice of his colleagues, after slow and careful consideration; and (4) Ripon and his advisers had been warned and knew that they were dealing with an emotional issue, but they believed that careful and sensible handling would avoid an explosion.

## NOTES

<sup>1</sup>Prophetically, the East India Company warned Parliament as early as 1801 that creation of a large community of Europeans in India would lead to their encroachment on the rights of Indians, who would become agitated and difficult to govern as a result. Great Britain, *Parliamentary Papers* (hereafter P.P.), Commons, 1891, VII, 123 (31).

<sup>2</sup>P. E. ROBERTS, *History of British India Under Company and Crown*, 3rd ed. (London, 1958), p. 278.

<sup>3</sup>Great Britain, *Statutes at Large*, 3 & 4 William IV, c. 85.

<sup>4</sup>Ibid., ss. 81 and 86. This law actually abolished the licensing requirement in territories acquired by the Company before 1800, but they were soon abolished or fell into disuse elsewhere in British India. Sir COURTEMAY ILBERT, *The Government of India*, 2nd ed. (Oxford, 1907), pp. 87-88. 'Non-officials' were private European residents of British India, i.e., those who held no governmental office.

<sup>5</sup>Ibid., s. 87.

<sup>6</sup>PHILIP WOODRUFF (MASON), *The Men Who Ruled India*, paperback ed., (London, 1963), II, 76. R. J. MOORE, *Liberalism and Indian Politics, 1872-1922* (London, 1966), p. 12. See also L.S.S. O'MALLEY, *The Indian Civil Service, 1601-1930* (London, 1931), p. 173.

<sup>7</sup>*Statutes at Large*, 33 George III, c. 52, as quoted in ILBERT, p. 123,

<sup>8</sup>B.B. MISRA, *The Central Administration of the East India Company 1773-1834* (Manchester, 1959), pp. 404-406.

<sup>9</sup>Ibid., p. 356. O'MALLEY, p. 48. JOHN WILLIAM KAYE, *The Administration of the East India Company* (Allahabad, 1966; orig. ed., 1953); p. 351.

<sup>10</sup>Note by T.C. HOPE, "The Covenanted and Uncovenanted Services," Nov. 16, 1881, p. 25, in *Hope Papers* (India Office Library), vol. II. Also India, Home Dept., Public Proceedings, A106-15, June, 1882, no. 139.

<sup>11</sup>MISRA, p. 329.

<sup>12</sup>India, *Act X of 1872*, sect. 71.

<sup>13</sup>*Statutes at Large*, 53 George III, c. 155, s. 105. Even this was modified in 1861.

<sup>14</sup>Sir GEORGE OTTO TREVELYAN, BART., *The Life and Letters of Lord Macaulay* (New York, 1875), I, 348-352. Sir JOHN STRACHEY, *India* (London, 1888), pp. 160-61.

<sup>15</sup>Ibid., p. 161.

<sup>16</sup>Sir FRANCIS DU PRE OLDFIELD. "Law Reform," in H. H. DODWELL, ed., *Cambridge History of India* (Delhi, 1964; orig. ed., 1922), VI, 383.

<sup>17</sup>India, *Act XXV of 1861*, sects. 35 and 39.

<sup>18</sup>Ibid., sect. 41.

<sup>19</sup>MISRA, pp. 375-76. S. GOPAL, *The Viceroyalty of Lord Ripon, 1880-1884* (London, 1953), p. 115. The High Court of the North-Western Provinces and the Chief Court of the Punjab were created in 1866 and given jurisdiction over Europeans, which eased the inconvenience somewhat by allowing trial in Allahabad and Lahore.

<sup>20</sup>GEORGE OTTO TREVELYAN, *The Competition Wallah*, 2nd ed. (London 1866) p. 261.

<sup>21</sup>J. K. STANDFORD, ed., *Ladies in the Sun, The Memsahibs' India, 1790-1860* (London, 1962), pp. 131-32. MICHAEL EDWARDES, *Bound to Exile: The Victorians in India* (New York, 1970), pp. 41, 74.

<sup>22</sup>For a neat summary, see THOMAS R. METCALF, *The Aftermath of Revolt: India, 1857-1870* (Princeton, 1965), pp. 309-313. For an example, see Col. G. B. MALLESON, *The Indian Mutiny of 1857*, 4th ed. (London, 1892), p. 410. But for the most thorough study of the importance of racial distinctions to the Victorians, see CHRISTINE BOLT, *Victorian Attitudes Toward Race* (London, 1971), esp. pp. 1-4.

<sup>23</sup>Approximately three hundred were listed in the *Bengal Directory, 1883* (Calcutta, 1883), pp. 851-867.

<sup>24</sup>Sir PERCIVAL GRIFFITHS, *The History of the Indian Tea Industry* (London, 1967), pp. 33-52 *passim*. H. A. ANTROBUS, *A History of the Assam Company, 1839-1853* (Edinburgh, 1957), pp. 35-39.

<sup>25</sup>H. A. ANTROBUS, *A History of the Jorehaut Tea Company, Ltd.* (London, ca. 1947) pp. 40, 67 and 71. GRIFFITHS, p. 132.

<sup>26</sup>ANTROBUS, *Jorehaut Company*, pp. 49-56. DANIEL HOUSTON BUCHANAN, *The Development of Capitalistic Enterprise in India* (New York, 1934), pp. 60-61.

<sup>27</sup>GRIFFITHS, pp. 270, 273. For the planters' viewpoint, see SAMUEL BAIRDON, *The Tea Industry in India* (London, 1882), pp. 150-169 and 209-214, and JOHN BEAMES, *Memoirs of a Bengal Civilian* (London, 1961), p. 148.

<sup>28</sup>Quoted in GRIFFITHS, p. 105.

<sup>29</sup>ANTROBUS, *Assam Company*, p. 429.

<sup>30</sup>p. 64.

<sup>31</sup>Indian, *Statistical Tables for British India* (Calcutta, 1884), pp. 44-45.

<sup>32</sup>Sir RICHARD TEMPLE, *India in 1980* (London, 1880), p. 115.

<sup>33</sup>India, *Census of 1881*, I, 468-470. Most of these (55,810) were in the Army. However, the total number of persons who gave English as their native language was 202,290 (*ibid.* II, 2 and 125), and this figure probably represents the self-defined British and Anglo-Indian Community. (The figures vary slightly elsewhere in the Census report: see I, 223).

<sup>34</sup>H.J.S. COTTON, *The New India or India in Transition* (London, 1885), pp. 11-12. See also C.T. BUCKLAND, *Sketches of Social Life in India* (London 1884), p. 139.

<sup>35</sup>Public Despatch of Dec. 10, 1834.

<sup>36</sup>KAYE, p. 427.

<sup>37</sup>Quoted in *PP.* 1876, vol. LVI, c-1436, p. 117.

<sup>38</sup>Wood, to C.F. Trevelyan, Apr. 9, 1860, *Wood Papers LB 3*, pp. 8-9. But Wood would not have given jurisdiction over Europeans to even this 'better class.' He wrote to Sir Henry Maine: "I have no faith in the moral courage or firmness of the Hindoo; I have no doubt of the English settler despising and bullying the Hindoo judge as far as he can." Wood said justice required "the acknowledged independence of

the English character," Letter of October 30, 1863, *Wood Papers*, LB 14, pp. 130-31.

<sup>39</sup>*Statutes at Large*, 33 & 34 Victoria c. 3, s. 6.

<sup>40</sup>Financial Despatch of the Secretary of State for India No. 451, Dec. 6, 1871, quoted in *Gazette of India*, Feb. 17, 1872. See also the letter of Argyll's immediate predecessor, Sir Stafford Northcote, to Lord John Lawrence, May 31, 1867, *P.P.* 1878-79, vol. IV c-2376, p. 3.

<sup>41</sup>W.W. Hunter to Ripon, Aug. 30, 1883, *Ripon Papers* (hereafter *R.P.*), Indian State Papers (hereafter I.S.P.), BP 7/6 (vol. II of 1883), pp. 87-88.

<sup>42</sup>According to J. Ware-Edgar, then a civilian in Shillong, capital of Assam. *P.P.*, Commons, 1884, vol. LX, c. 3877, p. 155.

<sup>43</sup>*Hansard*, vol. CCLXXX of 3rd series, cols. 549, 797. For Banerjea's version, see his *A Nation in the Making* (London, 1927, pp. 27-29.) Many felt that the reason for the dismissal was inadequate.

<sup>44</sup>India, *Abstract of the Proceedings of the Governor-General in Council* (hereafter *Council Proceedings*), XI, 399. See also STRACHEY, p. 153.

<sup>45</sup>Stephen later explained his actions in a letter to the *Times* (London), Nov. 2, 1883, p. 4.

<sup>46</sup>*Council Proceedings*, XI, 398 and 415.

<sup>47</sup>India Act X of 1872, sect. 72. Magistrates were appointed in three classes, with the first class being the most experienced and having the greatest sentencing power.

<sup>48</sup>*Council Proceedings*, XI, 398.

<sup>49</sup>*Ibid.* The merits of these arguments will be examined subsequently.

<sup>50</sup>*Ibid.*, p. 415.

<sup>51</sup>The names were listed by Alexander Mackenzie, Secretary to the Home Department, in a letter to Ripon, Mar. 29, 1884, *R.P.* I.S.P., BP 7/6 (vol. I of 1884).

<sup>52</sup>BANERJEA, pp. 44-51.

<sup>53</sup>India, Home, Public, May 2, 1878, included in *P.P.*, 1878-79, vol. IV, c. 2376, pp. 15, 18.

<sup>54</sup>Government of India Circular, Apr. 18, 1879, included in Public Works Dept. Despatch N. 74, Dec. 20, 1883.

<sup>55</sup>However, Europeans were admitted until 1882. Note of James Gibbs, Apr. 15, 1883, *R.P.*, Add. MSS 43583, pp. 44-47.

<sup>56</sup>The term 'Anglo-Indian' is used in its contemporary meaning, as a British resident of India. This is different from 'Eurasian', a person of mixed ancestry, although today the two terms are often used synonymously.

<sup>57</sup>Government resolution of Dec. 24, 1879, quoted in H. VERNEY LOVETT, "The Development of the Service," in *Cambridge History of India*, VI, 361.

<sup>58</sup>Sir John Strachey, endeavoring to explain, said (p. 259) the Statutories 'virtually belong' to the Covenanted Civil Service.

<sup>59</sup>W.E. GLADSTONE, "Aggression on Egypt and Freedom in the East", *Nineteenth Century*, II, (August, 1877), 153.

<sup>60</sup>*Ibid.*, p. 154.

<sup>61</sup>MOORE, pp. 24-27.

<sup>62</sup>LUCIEN WOLF, *Life of the First Marquess of Ripon* (London 1912), I, 3-12 *passim*.

<sup>63</sup>Ibid., I, 20-34 and 100-105 *passim*.

<sup>64</sup>Ibid., I, 216-19.

<sup>65</sup>Ibid., I, 293. Even Gladstone exchanged brisk letters with Ripon over the question of an English Catholic's obedience to the Pope.

<sup>66</sup>Allen Octavian Hume called him a Gulliver bound by Lilliputians. *Pioneer* (Allahabad), Nov. 4, 1882, p. 6.

<sup>67</sup>*Statutes at Large*, 24 & 25 Victoria, c. 67 (Indian Councils Act of 1861), s. 3, and 37 & 38 Victoria, c. 91 (Indian Councils Act of 1874), s. 1.

<sup>68</sup>Ibid., 24 & 25 Victoria, c. 67, s. 1.

<sup>69</sup>Sir CHARLES WOOD, *Legislative Despatch No. 14*, Aug. 9, 1861.

<sup>70</sup>P.P., 1890, vol. LIV, c-5950, pp. 6-7.

<sup>71</sup>C.E. BUCKLAND, *Dictionary of Indian Biography* (London, 1906), p. 145.

<sup>72</sup>A scanning of Grant Duff's writings, such as *Notes From a Diary 1886-1887* (London, 1900), gives the impression that his principal interests in Madras were social engagements and plant specimens.

<sup>73</sup>Ripon to Northbrook, July 1, 1881, *Northbrook Papers* (hereafter N.P.), I, 130-31. Northbrook, who had been Viceroy from 1872 through 1876, was First Lord of the Admiralty in 1883.

<sup>74</sup>Buckland, *passim*. Woodruff, II, 64. Great Britain, *India Office List for 1889* (London, 1889), pp. 164 and 273. Ripon to Hartington, Aug. 4, 1881, R.P. I.S.P., BP 7/3, p. 177. In the administrative structure of 1880, the Lieutenant-Governor of the North-Western Provinces also served as Chief Commissioner of Oudh.

<sup>75</sup>Ripon to Hartington, Jan. 7, 1882, R.P. I.S.P., BP 7/3, pp. 3-4.

<sup>76</sup>BUCKLAND, *passim*.

<sup>77</sup>G.R. ELSMIE, ed., *Field-Marshall Sir Donald Stewart, OCB, OGSI, CIE, An Account of His Life, Mainly in His Own Words* (London, 1903), pp. 384 and 409.

<sup>78</sup>Ripon to Hartington, Aug. 4, 1881, R.P., I.S.P., BP 73/3, p. 177.

<sup>79</sup>FREDERICK POLLOCK, *Sir Courtenay Peregrine Ilbert, GCB, 1841-1924*, Proceedings of the British Academy (London, ca. 1924), pp. 1-2. A. COCHRANE, "Sir C.P. Ilbert," *Dictionary of National Biography, 1922-1930*, ed., J.R.H. WEAVER (London, 1937), p. 443.

<sup>80</sup>Hartington to Ripon, Feb 24, 1882, R.P., I.S.P., BP 7/3, p. 23.

<sup>81</sup>Buckland, *passim*. *The Bengal Directory*, 1883, pp. 141, 212, and .298. The Council since 1861 had included at least one member of some Calcutta mercantile firm. P.P., 1890, vol. IV, c-5950, pp. 3-4.

<sup>82</sup>*Statutes at Large*, 21 & 22 Victoria, c. 106 (Government of India Act of 1858), and 32 & 33 Victoria, c. 97 (Government of India Act of 1869), ss. 2 and 3.

<sup>83</sup>*India Office List for 1883*, p. 2. Buckland, *passim*.

<sup>84</sup>BERNARD HOLLAND, *The Life of Spencer Compton, Eighth Duke of Devonshire* (London, 1911), I, 324. Hartington to Ripon, Feb. 17, 1881,

and Sept. 7, 1882, *R.P.*, Add. MSS 43611 and 43612, quoted in S.N. SINGH, *The Secretary of State for India and His Council* (Delhi, 1962), pp. 48-50.

<sup>85</sup>MOORE, p. 35.

<sup>86</sup>Ripon to Gladstone, Nov. 6, 1882, *R.P.*, I.S.P. BP 7/5, p. 144. Ripon to Thomas Hughes, Dec. 8, 1882, *ibid.*, p. 169. Ripon often spoke as though he and Gladstone were waving the banner of enlightened Radicalism against the entrenched forces of Reaction.

<sup>87</sup>Wolf, II, 95-106. HUGH TINKER, *The Foundations of Local Self-Government in India, Burma, and Pakistan* (Bombay, 1967), pp. 44-54.

<sup>88</sup>DANIEL THORNER, *Investment in Empire: British Railway and Steam Shipping, 1825-1849* (Philadelphia, pp. 22-35 *passim*. BOYD CABLE (ERNEST A. EWART), *A Hundred Year History of the P. & O.* (London, 1937), pp. 46-92 *passim*.

<sup>89</sup>According to figures quoted by TARA CHAND, *History of the Freedom Movement in India* (Delhi, 1967), II, 310-311.

<sup>90</sup>RICHARD TEMPLE, *Men and Events of My Time in India* (London, 1882), p. 6.

<sup>91</sup>*Imperial Gazetteer of India*, new ed. (Oxford, 1907), III, 437 and 445.

<sup>92</sup>KRISHNALAL SHRIDHARANI, *The Story of Indian Telegraphs, A Century of Progress* (New Delhi, 1953), pp. 31-32.

<sup>93</sup>GRAHAM STOREY, *Reuters' Century* (London, 1951), pp. 43-66.

<sup>94</sup>P.P., 1878-79, vol. LVI, c-2190, p. 108.

<sup>95</sup>Copies of Some telegraphic exchanges are included in his Indian State Papers.

<sup>96</sup>Files and indices of the newspapers and directories and almanacs listing them may be found in the Indian National Library, India Office Library, and British Museum.

<sup>97</sup>Compare, for instance, *Sangbad Prabhakar* (Calcutta) of May 9-11, 1859, with that of Dec. 17-19, 1878. (Copies may be found in the library of the Bangiya Sahitya Parishad, Calcutta).

<sup>98</sup>S.C. SANIAL, "Pillars of Indian Journalism," *Journal* (Calcutta), Mar. 8, 1908, p. 7. *A Brief History of the Statesman* (Calcutta, 1947), p. 14. Knight had taken over the *Friend of India*, the old missionary weekly, and the full title was the *Statesman and Friend of India*.

<sup>99</sup>PAT LOVETT, *Journalism in India* (Calcutta, ca. 1927), pp. 12-15.

<sup>100</sup>NADIG KRISHNA MURTHY, *Indian Journalism* (Mysore, 1966), p. 151.

<sup>101</sup>BUCKLAND, p. 383.

<sup>102</sup>Editor-Proprietor Shishir Kumar Ghosh once wrote that since the masses had to be awakened, "our language must be loud and penetrating." "Wayfarer" (ASHU DEY), *Life of Shishir Kumar Ghosh* (Calcutta, 1946), p. 36.

<sup>103</sup>J. NATARAJAN *History of Indian Journalism* (Part II of India, *Report of the Press Commission*, New Delhi, 1955), pp. 101-102.

<sup>104</sup>See Appendix A for a list of some prominent ones.

<sup>105</sup>India, *Reports of Native Papers* (hereafter R.N.P.), *passim*.

<sup>106</sup>R.A. Fuller was an Agra lawyer who struck and fatally injured a servant but was let off with a trifling fine by a British magistrate C.E. BUCKLAND, *Bengal Under the Lieutenant-Governors* (Calcutta, 1901), pp. 669-671.

<sup>107</sup>"Report of the Grievance Committee," quoted in T.C. Hope's note, "The Covenanted and Uncovenanted Civil Services," *Hope Papers*, vol. II.

<sup>108</sup>India, Home, Revenue and Agriculture Dept., Establishment Proceedings, August, 1880, Program No. 43.

<sup>109</sup>*Ibid.*, Program No. 44.

<sup>110</sup>*Ibid.*, Program No. 69, letter of Horace A. Cockerell, May 19, 1881.

<sup>111</sup>Diary No. 252, "Proposal to Appoint Native Justices of the Peace in the Mofussil," *R.P.*, Add. MSS 43583, pp. 42-44.

<sup>112</sup>*Ibid.* India, Home Dept., Judicial Proceedings, April, 1882, 225-227 (A).

<sup>113</sup>Letter of Stokes in the *Times* (London), Dec. 13, 1883, p. 10. Ripon to Hartington, Sept. 8, 1882, *R.P.*, I.S.P., BP 7/3, p. 227. Ripon said Tagore wanted to give the jurisdiction to "Native Civil Servants," but Stokes, in his later version, said Tagore spoke of "covenanted native civilians". Stokes said he never would have supported a measure to give the jurisdiction to the 'statutaries'.

<sup>114</sup>India Office List for 1889, pp. 1463ff W.W. Hunter, in a Council speech, said if a railroad had been constructed into the district, Tagore would have had to be transferred as a practical necessity, *Council Proceedings*, XXII, 194-95.

<sup>115</sup>India Office List for 1889, pp. 1463ff.

<sup>116</sup>This was an isolated experiment. Although such posts were reserved for Covenanted Civilians, exceptions could be made by the Government of India with approval of the Secretary of State. *Statutes at Large*, 24 & 25 Victoria, c. 54, ss. 3 and 4.

<sup>117</sup>Quoted by J.N. GUPTA, *Life and Work of Romesh Chunder Dutt* (London, 1911), p. 47.

<sup>118</sup>According to HUNTER, *Council Proceedings*, XXII, 194.

<sup>119</sup>India, Home Dept., Judicial Proceedings, April, 1882, 225-227(A). Dutt's biographer even said it was Dutt who asked Gupta to do it. J. N. GUPTA, p. 93.

<sup>120</sup>India, Home Dept., Judicial Proceedings, April, 1882, 225-227 (A). The precise meaning of this note was to become a matter of dispute.

<sup>121</sup>*Ibid.*

<sup>122</sup>Circular letter of Apr. 21, 1882, *R.P.*, I.S.P., BP 7/6, I, 134.

<sup>123</sup>India, Home Dept., Judicial Proceedings, September 1882, 219-239 (A). Elliott, who would have also extended the jurisdiction to any Indians trained in England, said such a limited measure was not likely to excite any serious opposition. Lyall, though cautious in his official opinion, was more positive in a private letter to Baring, saying that anyone made responsible for keeping order in a district "ought to be

able to deal with all sorts and conditions of men." Quoted in Sir MORTIMER DURAND, *Life of the Right Hon. Sir Alfred Comyn Lyall* (Edinburgh, 1913), p. 278.

<sup>124</sup>India, Home Dept., Judicial Proceedings, September, 1882, 219-239 (A).

<sup>125</sup>*Ibid.*

<sup>126</sup>*Ibid.* A COCHRANE, in his sketch of Ilbert in the *Dictionary of National Biography, 1922-1930* (London, 1937), p. 443, states: "Ilbert himself, while approving of the principle, doubted the expediency of this Bill," fearing the racial antagonisms it would create. Nothing in the archives or in the Ilbert Papers supports such a statement. On the contrary, Ilbert always seemed the most vigorous supporter of his Bill.

<sup>127</sup>India, Home Dept., Judicial Proceedings, Despatch No. 33 of 1882, included in *P.P.*, Commons, 1883, LI, 647-670.

<sup>128</sup>Ripon to Hartington, Sept. 8, 1882, *R.P.*, I.S.P., BP 7/3, p. 228.

<sup>129</sup>India, Home Dept., Judicial Proceedings, January, 1883, 27-28 (A). Only later did Ripon learn to his dismay of the Council's unstated reservations (*infra*, p. 206).

<sup>130</sup>*Pioneer* (Allahabad), May 5, 1882, p. 5ff. For Indian reactions, see *Gujarati* (Bombay), May 21, 1882, as quoted in *R.N.P.* Bombay, week ending May 27, 1882, p. 4, and *Koh-i-Nur* (Lahore), June 10, 1882, as quoted in *R.N.P.*, North-Western Provinces, etc., 1882, pp. 369-70.

<sup>131</sup>Great Britain, Secretary of State Despatch No. 52, of Sept. 28, 1882, included in Public Works Despatch No. 74, Dec. 20, 1883, L/PWD/6/127.

<sup>132</sup>Ripon to the Earl of Kimberley, Feb. 10, 1883, *R.P.*, I.S.P., BP 7/3, p. 52.

<sup>133</sup>Ripon to Kimberley, Jan. 20, 1883, *Ibid.*, p. 32.

# 2

## The Rise and Spread of the Opposition

### 1. Introduction of the Bill

LIBERT unveiled his Bill at the Legislative Council meeting of February 2, 1883. It would have amended six sections of Act X of 1882 and would have had two substantive effects.<sup>1</sup> First, it would have made all District Magistrates and Sessions Judges *ex-officio* Justices of the Peace (irrespective of race), thereby giving them jurisdiction over Europeans. Second, it would have required local governments to appoint whatever additional Justices of the Peace they needed from among first-class magistrates who were either (a) members of the Covenanted Civil Service, (b) members of the 'Native Civil Service', (c) Assistant Commissioners in non-Regulation Provinces,<sup>2</sup> or (d) Cantonment Magistrates. Each local government would have determined, as always, how many were needed, who they should be and where they would be posted. Ripon never intended the wholesale appointment of Indians as Justices of the Peace, as was later charged, but only those few whose positions might require such powers.<sup>3</sup>

The Law Member explained the background of his Bill to the Council : the problem, the 1872 compromise, the note by Behari Lal Gupta, Eden's approval, and the responses of the local governments. "The result was remarkable," he said. "There was an overwhelming consensus of opinion that some change in the law was required, and that the time had come for the

removing of the absolute bar on the investment of Native Magistrates in the interior with powers over European British subjects.”<sup>4</sup> However, since charges against Europeans were rare and “exceptionally troublesome and difficult”, it was neither necessary nor desirable thus to empower all magistrates. Ilbert told the Council, as he had told the Secretary of State, that no change in the law could be satisfactory or stable which “fails to remove at once and completely from the Code every judicial disqualification which is based merely on race distinction.”<sup>5</sup> He then outlined his proposals and the safeguards against misuse. No officer could become a Justice of the Peace, he said, until he had passed all departmental examinations and served long enough to show his superiors whether he could likely be entrusted with such powers. The only object in view, Ilbert concluded, was “the impartial and effective administration of justice. It is by that test that we desire our proposals to be tried.”<sup>6</sup>

The only response at that meeting came from Griffith Evans, the Calcutta barrister. It was a vexed question, Evans said, as nothing was dearer to an Englishman than his liberty, “and nothing which he was more jealous of than any change in the tribunal that could deprive him of that liberty in a moment.”<sup>7</sup> He asked that debate be postponed until non-official Englishmen had had time to make their voices heard. Ripon assured him that the Government would certainly give full time for consideration of the matter.<sup>8</sup>

Despite this placid beginning, Ilbert had already blundered. Perhaps through overconfidence, perhaps through unfamiliarity with the Indian situation, he had unnecessarily exposed his flanks to attacks on at least six points in his drafting and speech :

1. He seemed to place the stimulus for the change on Gupta, a ‘Bengali Babu’ with an obvious self-interest. He thereby exposed that gentleman, and inferentially the Bill itself, to unnecessary obloquy.

2. He said that no change would be satisfactory or stable unless it removed from the Code “every judicial disqualification” based on race. Despite this clarion-like phrase, his Bill was really a carefully-weighed, carefully-hedged compromise which would have given the jurisdiction to only a handful of

the thousands of Indian judges and magistrates. By proclaiming such a sweeping principle, he invited attacks from Indians, to whom the Bill was a farce compared with this principle, as well as from Europeans, who saw the Bill as “the thin end of the wedge.”<sup>9</sup> If the principle were accepted, said the Europeans, further applications would soon follow. Even interpreted narrowly, Ilbert’s statement implied that Indians at all levels of service would become eligible for J.P. appointments and the jurisdiction. Interpreted broadly, it implied that all racial distinctions would be eliminated from the judicial code, such as the European-only right of *habeas corpus* hearings, the European-only right to appeal any case to the High Court, and the specially-restricted sentencing powers of all mufassil judges and magistrates over European defendants.<sup>10</sup>

3. By separately listing ‘Covenanted Civil Service’ and ‘Native Civil Service’, Ilbert implied that they were separate entities and might be considered separately. But there was no ‘Native Civil Service’, except in common parlance. He presumably meant the ‘statutaries’, who were quasi-members of the Covenanted Civil Service (*supra*, p. 14). After studying the laws, Ripon concluded that whatever their status, the ‘statutaries’ had to be employed “in the same manner and upon the same principles” as the competition wallahs’, and no distinctions could be drawn.<sup>11</sup> No one, least of all Ripon, defended the political method of their appointment or expressed confidence in them as a group. (In fact, the system was abolished a few years later.) But he was saddled with them, and they too would become eligible for the jurisdiction. Ilbert, by listing them separately, merely raised false distinctions.

4. The inclusion of Assistant Commissioners of Non-Regulation Provinces (the equivalent of the Deputy Magistrates of the Regulation Provinces) provided another opening for men whose competence might be questioned, since they included members of the subordinate services and military officers as well as Covenanted Civilians. In 1876, the Secretary of State had ordered all superior posts, including that of Assistant Commissioner, reserved for Covenanted Civilians, but by 1883 this had been fully enforced only in Oudh and the Central Provinces among the Non-Regulation Provinces.<sup>12</sup> Elsewhere, any Indian Extra Assistant Commissioner (the next-

lowest rank) could have been promoted to Assistant Commissioner by order of Government. Yet it was in those provinces which lacked the safeguarding regulations that the administration of justice depended so heavily on the character and qualifications of the judicial officer.

5. The inclusion of Cantonment Magistrates raised the spectre of the British 'Tommy', stationed in India largely to keep order among Indians, being sent to jail by 'one of them'. In fact, Cantonment Magistrates were almost always Army officers and thus Europeans, and Ripon never had the slightest intention of changing that.<sup>13</sup> The Bill had to include Cantonment Magistrates to prevent their losing the jurisdiction, but Ilbert might have avoided this by some more adroit phrasing.

6. The most glaring practical defect, however, was a loss of officials with jurisdiction over Europeans. With Covenanted Civilians in short supply, it was the practice to give Justice of the Peace powers to Europeans in the Subordinate Executive Service holding such middle-level positions as sub-district officer.<sup>14</sup> In addition, in remote corners European planters, foresters, harbormasters, etc. were made Honorary Magistrates and Justices of the Peace.<sup>15</sup> Bombay Presidency, for example, had 84 of these unpaid Special or Honorary Magistrates in 1885.<sup>16</sup> All of them (except for a few who were Assistant Commissioners) would have been disqualified by the Ilbert Bill, greatly depleting the number of men eligible to try Europeans and thus aggravating the problem which the Bill was supposed to relieve. This aspect of the Bill was apparently an oversight; Ilbert never tried to defend it and dropped it at the first opportunity.<sup>17</sup>

None of these flaws were mentioned in the newspapers of February 3, the day after the Council meeting. They printed only straightforward news accounts, highlighting Ilbert's speech, with no editorial comments. Ripon wrote to the Secretary of State that the Bill had been brought in. Although Evans might oppose it, he said, "there is no doubt of its passing, but there will probably be some outcry from the organs of the worst style of European opinion. For that you must be prepared."<sup>18</sup>

By this time Ripon was writing to a new Secretary. Hartington's main concern at the India Office had been settling the Afghan War;<sup>19</sup> with that done, he moved on to the War Office.

The job of trying to mesh the interests of India with those of the Liberal Government went to another Whig aristocrat, John Wodehouse, First Earl of Kimberley. Kimberley had held various offices in Liberal ministries and had just finished an undistinguished term as Colonial Secretary.<sup>20</sup> His India experience had been limited to a few months as Under-Secretary in 1864. Ilbert considered him a weak man, dominated by the India Council.<sup>21</sup>

Introduction of the Bill brought prompt appreciation from some leading Indian newspapers of Bombay and Calcutta. *Rast Gofstar*, a progressive Parsi weekly, said on February 4 that the importance of the Bill was the removal of invidious distinctions, and that the people should be grateful to Lord Ripon for doing so.<sup>22</sup> *Bombay Samachar* of February 5 and several smaller papers said approximately the same thing. *Som Prakash* of February 6 lauded the proposal but wished that its scope might be broadened.<sup>23</sup> *Hindoo Patriot* of February 5 said :

We look upon the Bill as the first instalment of a much-needed and long-cried-for reform. We know that the subject is surrounded by practical difficulties, but we are inclined to think that the European community as a body are now actuated by a better feeling. We know that many European British subjects have of their own accord waived their privilege in taking their trial before the Deputy Magistrates of Sealdah and Suburbs.<sup>24</sup>

The Anglo-Indian dailies were hesitant and mostly non-committal in their initial comments. The *Englishman*, in fact, had no comment until February 6, the *Madras Mail* until February 8. The *Times of India* said publishing those 'overwhelming' endorsements from local officials might avert public criticism.<sup>25</sup> The *Pioneer* said blandly that such a progressive government "could not fail to be brought face to face with this question," and that the proposal was "strictly in keeping with the Viceroy's general policy".<sup>26</sup> The *Statesman*, by contrast, welcomed the Bill and anticipated little criticism of it. "It is not likely that at the present day unofficial opinion will be guilty of the illiberality of opposing the Bill", it said.<sup>27</sup> The *Indian Daily News* sympathized with the suspicions of English-

men subjected to Indian judges, but spoke of a duty to promote imperial loyalty, a duty more important than selfish racial pride. It concluded idealistically :

. . . our sympathies are against this change, whilst our reason and our experience both teach us that it is inevitable, not only as a result of the demands of administration, but as a political necessity and as a concession on the part of Englishmen to the progress of India, and the requirements of her union with England.<sup>28</sup>

These neutral and favorable first reactions indicate that there was no ready-made cabal, looking for any stick with which to beat the Ripon Government, as was later charged. The Council discussion, reported fully, had provoked no visible opposition. As late as February 5, Ripon could write: "It is too soon yet to judge how it will be received here, but at present it does not seem to meet with as much opposition as I should have expected".<sup>29</sup>

## 2. The Attack of the Newspapers

The opening salvo was touched off, not in India, but in London, by the *Times*. The *Times'* great power and prestige had come in part from its reputation for aloof independence, but Thomas Chereny, who became editor in 1877, gave 'consistent and undiscriminating (sic) support' to the Conservatives.<sup>30</sup> Advising Chereny on Asian matters in 1883 was Major Owen Tudor Burne, of the India Office staff, who had previously been Lytton's private secretary.<sup>31</sup> The *Times* of 1883 was not the paper for an impartial handling of Indian affairs.

The attack began with a cable from the *Times'* Calcutta correspondent, dated February 4 and published February 5, before any paper in India had opposed the Ilbert Bill. The Government, said the dispatch, had without warning "suddenly sprung a mine on the European community."<sup>32</sup> It described the Bill and forecast its intense unpopularity and strong

opposition. Then, to fulfil its prophecy, this dispatch declared that "not a day should be lost" in sounding the alarm. It proceeded to do so:

The hypersentimental policy of the present Government applying English rules and English standards to everything Indian must infallibly, if persisted in, loosen our hold on the country. Mr. Ilbert claims for the Bill that it will sweep away the anomalies now existing in the administration of the law. But even if it passes, it will leave many anomalies still existing. Such anomalies must always, and of necessity, exist in a conquered country, ruled by a conquering race. He altogether overlooks the deep-seated prejudice of Englishmen, all the world over, against being tried for their lives and liberties by Orientals.

... Everyone acquainted with this country knows that when a Native has a dispute with his neighbour about lands, a contract, or some other civil matter, his first step is almost invariably to trump up a criminal charge against his opponent, and to bring forward a legion of suborned witnesses to support it. Hitherto the safety of Englishmen residing outside the Presidency towns has lain in the fact that such charges, when brought forward against them, were investigated by their own countrymen, who could weigh probabilities, and could judge whether an Englishman was likely to do such an act as was alleged. This safeguard, it is now proposed to sweep away—for, however skilled a lawyer, or pure a Judge, a Native may be, it is obviously absurd to say that he is as competent as an Englishman to form a correct opinion concerning an Englishman's conduct, or that he will be trusted by the English residents of the district to which he has been appointed.

... should this proposed change in the law be effected, it will be unsafe for any European to reside outside the limits of the three Presidency towns; and a death-blow will be inflicted on the three prosperous industries of tea, coffee, and indigo-planting, while all new projects for mining, railway making, and so forth, will be nipped in the bud. It is, however, to be hoped that the Government will pause before it is too late. Should it persist in this most unwise

scheme, all young Englishmen who dream of an Indian career, will do well to transfer their ambitions to some other country, where their characters, their liberties, and their lives will be exposed to less danger.<sup>33</sup>

Not a day was lost by the editors of the *Times*. That same issue contained an editorial amplifying arguments of the Calcutta dispatch. The *Times* saw in the Ilbert Bill 'an attempt to apply abstract ideals of justice and equality while ignoring the reality of the situation, that only the British presence kept India from disorder and bloodshed. Ripon could never clear Indian administration of all anomalies, it said, because :

He is himself the greatest of anomalies . . . English rule in India is an anomaly in itself . . . in every point. We must accept it for what it is, or we must give it up altogether and leave India to the full enjoyment of the natural rights of man.

. . . it must be by British capital and British enterprise that the vast unoccupied field of India must be opened up. The native population has neither the energy nor the material wealth to do what has to be done . . . If Englishmen are made to feel that they and their belongings will be at the mercy of a court which they neither like nor trust, they will take good care to avoid the position which Lord Ripon is making intolerable for them.<sup>34</sup>

Other London papers took up the cry. Their views were apparently based on the *Times* dispatch; none published an independent account from India, and the Reuters' telegrams were short and pithy. The conservative *St. James Gazette*, acknowledging the *Times* as its source of information, reasoned that India could only be governed by Englishmen as a conquered country, and that therefore the legal privileges of resident Englishmen were not anomalies at all, but "natural consequences" of the whole system.<sup>35</sup> To the *Daily Telegraph*, an important independent paper with a large middle class readership,<sup>36</sup> giving the dominant race the right to judge its own offending members was "a rule perfectly understood," and to give that right to Natives would subvert "popular

respect."<sup>37</sup> The *Telegraph* urged the India Council or the Secretary of State to check "the breathless benevolence of Lord Ripon."<sup>38</sup>

In Calcutta, the *Englishman* opened fire on February 6. Ignoring earlier notices of the Government's intentions, it said Ilbert's speech had "fallen like a thunderbolt" on the Europeans.<sup>39</sup> It blamed B.L. Gupta for initiating "such an unexpected and apparently unnecessary piece of legislation." The *Englishman* observed that since, in Ilbert's words, European cases were "exceptionally troublesome and difficult," it would be eminently unwise to let Indians judge them.<sup>40</sup>

Repercussions from the *Times* began to reach India. The *Times of India* on February 7 published a telegram from its London correspondent, summarizing the *Times* article and stating that London papers "generally condemn" Ilbert's bill.<sup>41</sup> This *Times of India* dispatch, in turn, was telegraphed around India and reprinted the next day in the *Englishman*, *Statesman*, *Madras Mail*, and *Pioneer*.<sup>42</sup> The *Pioneer* also had a dispatch of its own from London on February 7, which stated: "The most experienced Anglo-Indians here wholly condemn Mr. Ilbert's proposed reform of the Criminal Code, feeling distrust of Lord Ripon's various endeavours to please the native community at almost any cost."<sup>43</sup> This too was picked up and reprinted by the *Englishman*, *Times of India*, and *Madras Mail*.<sup>44</sup> The 'thunderbolt' comment of the *Englishman* made its own waves, reappearing in the *Pioneer*, *Times of India*, and *Madras Mail*.<sup>45</sup> Through this 'multiplier effect', the words of a few men in Calcutta quickly attracted wide attention in both England and India.

The *Englishman* began a systematic agitation against the Bill. Vehement editorials appeared almost daily. On February 7 it said existing race jealousies made it unwise to remove the legal protections of the Europeans. It attributed the Bill to "a sentimental grievance which Mr. Gupta prophesies will be felt at some future time."<sup>46</sup> On February 8 it called the Bill "the breach of the pledge given to the European community in 1872" and "wholly unnecessary and uncalled for." On February 10 it called for publication of the confidential notes from the local governments, as they might show the real basis for the Bill. The Government of India obliged on this point, and the

opinions were published on February 13. The *Englishman* was not impressed. All that they showed, it said, was (1) that no one had attempted to answer the 1872 arguments of Fitzjames Stephen, (2) that the non-official Europeans, the class most affected by the Bill, had never been consulted, and (3) that some Englishmen were ready to abandon their long-cherished principle of trial by their peers.<sup>47</sup>

However, the tone of the campaign and its visceral impact came, not from the editorials, but from the letters to the editors. They were usually published over pen names (the practice of the day), and this anonymity encouraged candor and expression of deep-seated fears. All letters which the *Englishman* published during those opening weeks opposed the Bill, with one confused and incoherent exception.<sup>48</sup> The first and most melodramatic of these protest letters appeared on February 10. It read, in part :

Figure to yourself a Mofussil Court where every pleader and underling is the slave of the presiding officer, a native; where every man's hand is against the European, if but from the fact of his being an alien, where witnesses are procurable at two annas a head. The very pleader who conducts his case would rejoice in his conviction and imprisonment. The hero of the hour would be the native convicting officer, and while his name would be glorified by the press and natives of Bengal, the wretched European would be suffering imprisonment while an appeal was made to the High Court. He would eventually (after incarceration with common felons) be released, and no sort of satisfaction could be got from the native officer who convicted unjustly. . . . no distinction is made as to sex. One's wife may be walked off for an imaginary offence and in like manner become a victim. What would more please our fellow subjects than to bully and disgrace a wretched European woman? The higher her husband's station and the greater her respectability, the greater the delight of her torturer. The Penal Code can be made to cover any accusation, and witnesses can be got to swear to anything.

Let there be a monster meeting at the Town Hall to insist upon the motion being quashed. In this matter every class

should be represented. Military, Civil, Railways, Planters, Landowners, Jute and Silk manufacture, in short, every industry, and every individual . . . Steps should be taken without delay to refer the matter home.<sup>49</sup>

Other letters followed swiftly in the *Englishman*. One claimed that district officers would never support such a Bill.<sup>50</sup> If it passed, other race privileges in the law would soon go. Another denied that Europeans approved of trial by Indian magistrates in Calcutta; it urged circulation of mass petitions of protest.<sup>51</sup> (This idea was taken up by the *Englishman*.) A third was abusive, as were increasing numbers of them:

I remember when a brother-in-law of mine first came out to this country from London he used to get quite indignant at the sight of what appeared to him an abrupt and impolite way of speaking to native domestics, but he soon learnt the necessity for it. When he came to know something of their inherent deceit and lying character, he soon learnt to think that their characteristics would not fail to be causes of a feeling of chronic disgust and dissatisfaction to those who had learnt at their mothers' knee the Christian virtue of truth.<sup>52</sup>

No other daily paper fought the Ilbert Bill as aggressively as the *Englishman*, with its massed battalions of news reports, editorials, and letters. Other opponents of the Bill showed more restraint. The *Pioneer*, which took its stand on February 8, advised Ilbert to accept the small anomaly in the law, which it said had caused no serious inconvenience and might be safely removed later.<sup>53</sup> Its next statement, a week later, was stronger: no "very alarming results" were likely from the Bill, but the action of the Government was ill-advised, ill-timed, and injudicious, it said. Only a "morbid sensitiveness or restless vanity" could have felt a grievance in the existing system.<sup>54</sup> Then came the racial flag-waving:

It is, no doubt, just to rule India for the Indians, and no doubt expedient to conciliate native public opinion by any reasonable concession. But some consideration is due to

the feelings, the convictions, possibly the prejudices, of the race, to whose sterling qualities, physical, moral, and intellectual, the very existence of this enormous empire is owing. Lord Ripon is the Viceroy of the most splendid dependency the world has ever seen, because Englishmen have exhibited on a thousand occasions, and in a thousand different particulars, qualities of mind and body in which the inhabitants of the country have, as a rule, shown a marked deficiency. Those qualities are as essential as ever: the very fabric of Indian society would begin to crumble as the last English soldier left the country, and in a year all would be, once again, chaos and collapse. Nor could the daily administration of the country and that development of which we hear so much, be carried on without the daily exercise in a thousand obscure spheres of duty, of the untiring energy, the courage and patience, the conscientious zeal, the unsullied honour and moral rectitude, which, on the whole may be justly claimed as the honourable characteristics of our race.<sup>55</sup>

A letter in the *Pioneer* urged Europeans to "be up and doing," organize to fight the Bill, and show that there is a European public opinion which "deserves to be reckoned with."<sup>56</sup>

The *Times of India* at first did not alarm. It said on February 7 that since there was no large planter class in Bombay Presidency, the Bill was not likely to evoke the excitement that it had in Bengal.<sup>57</sup> But two days later it spoke sympathetically of the plight of the isolated planter and the "expediency" of the existing system as against attempts to achieve ideal justice. It called the Bill "quite uncalled for and likely to do mischief".<sup>58</sup> The *Civil and Military Gazette* also said it was no time for "abstract justice."<sup>59</sup> On the 12th it said the Bill would not eradicate racial feelings, but rather intensify them by "inflating the pride of Natives and exciting resentment of Europeans."<sup>60</sup> It warned Ripon against making such a change "simply to satisfy the morbid sensibilities" of Indians.

To the *Madras Mail* (whose editor, Charles Lawson, was Honorary Secretary of the Madras Chamber of Commerce), the overwhelming consideration was the flow of British capital needed to finance Indian railroads and other projects. It saw in

the *Times* articles signals that passage of the Ilbert Bill would reduce that flow, and it said:

. . . these capitalists have apparently taken alarm at the prospect of their servants in India being cut adrift, as it were, from the protection of British officers. . . The objection of British capitalists to Mr. Ilbert's proposals should, however, be sufficient to condemn them as ill-advised and calculated to do more harm than good. . . If it is to the benefit of India to encourage European capitalists to settle here, so it is clearly to her benefit to guarantee those capitalists all present protection from the law of the land.<sup>61</sup>

The *Indian Daily News* deserves special notice for a remarkable turn about. At first it supported the Bill as a necessary step toward imperial unity (*supra*, p. 35). It wrote on February 9 that the *Times* had apparently been misinformed, that Englishmen should accept equal submission to the law, and that the flight of European capital was "too far-fetched to be seriously considered."<sup>62</sup> However, it continued, one must be practical. "English prejudice has been aroused, and English opinion has spoken out against the change." This opinion was "somewhat uniformed," but only through agreement of English and Indian opinion could such a measure be carried. Therefore, the Viceroy should postpone the issue until the English Press and people understand it, said the *Daily News*.<sup>63</sup> On February 19 it called for a "strong, united expression of opinion" to show how the community felt.<sup>64</sup> By the 21st it was urging those who opposed the Bill "to make that opposition as public and as strenuous as possible."<sup>65</sup> But the day after it had urged strenuous public opposition, the newspaper accused Ripon of having "raised a race question in a way which has provoked strong feeling."<sup>66</sup>

A few Anglo-Indian papers were inclined toward the Bill. The *Bombay Gazette* said it was useless to perpetuate a privilege simply because it existed, and that without some good purpose, it was doomed.<sup>67</sup> The *Madras Times* said racial differences should be minimized and the ruling yoke made "as little galling as possible."<sup>68</sup> The more outspoken *Statesman* scoffed at the 'thunderbolt' article of the *Englishman* and called the fears of

the *Times* "simply ridiculous."<sup>69</sup> It wanted a broadened bill which would include Deputy Magistrates.<sup>70</sup>

One London paper supported the Bill and denounced the opposition. This was the *Pall Mall Gazette*, edited by John Morley, which spoke for 'radical' opinion in London.<sup>71</sup> "Can we wonder," it asked, "that native Indians should feel all the bitterness of despised inferiority, when Anglo-Indians break out, upon every attempt to touch any one of their privileges, into these exaggerated expressions of jealousy, contempt, and distrust?"<sup>72</sup> That paper also published, on February 9, a cable from an Indian leader, V.N. Mandlik, replying to the *Times*'s attack.

Among the Indian newspapers, only a few Calcutta and Bombay papers had reacted to the introduction of the Bill. But the response to these attacks from Anglo-India was swifter and more widespread. As the quarrel intensified, more newspapers in more towns were drawn into it. The first article on the topic appeared in Lucknow on February 8; in Ahmedabad and Burdwan on February 9; in Poona and Benares on February 11, in Mymensingh on February 13, and in Lahore on February 14.<sup>73</sup>

These reactions, from February 8 through 19, fell into several categories. One was to praise Ripon and the Bill, and sometimes ask that it be broadened. For instance, *Reis and Rayyet*, the English-language weekly of Sambhu Chunder Mukherjee, a conservative Bengali Brahmin, said: "The reform cannot stop at the point where Mr. Ilbert's Bill carries it. The entire judiciary . . . must in the end have to be vested with the power to try European British subjects."<sup>74</sup> Second was the attempted rebuttal of specific arguments, such as when the *Hindoo Patriot* said that ancient privileges should be cherished, but not at the expense of reason and justice.<sup>75</sup> A third type of reply, used by *Bombay Samachar* and a number of smaller papers, was to question the entire judicial system of British India.<sup>76</sup> If Indian magistrates and judges could not understand Europeans, it was said, could European officials understand the Indians who appeared before them? Could Indians have confidence in them? If Indian officials could not be trusted to deal impartially with Europeans, could those same officials be trusted to dispense justice to other Indians? The final approach was to

ridicule the fears of the Anglo-Indians and often attribute them to racial prejudice. For example, *Jam-e-Jamshed*, the conservative Parsi daily, said Europeans had no reason to fear partiality from an Indian magistrate because the Government "would not for one moment tolerate injustice to any European," and the man who tried it would surely be punished.<sup>77</sup>

There were a few dissenters. *Dnyanodaya*, an Anglo-Marathi weekly of Bombay, felt that the Bill was just but its timing inopportune, since it would stir up race feeling.<sup>78</sup> *Anjuman-i-Punjab*, a Muslim weekly of Lahore, predicted that the Bill would do little good and create much antagonism.<sup>79</sup>

To summarize, newspapers were the vehicles for both the first phase of the attack on the Ilbert Bill and the reactions to that attack. One by one, most Anglo-Indian papers fell into line behind the *Times* and opposed the Bill. In this first phase their opposition rested on sonorous principles or oblique reasons: no need had been shown, non-official Europeans had not been consulted, investors would be frightened off, the lonely planter needed security, the "conquering race" was entitled to a few privileges, etc. But a harsher tone was beginning to show in readers' letters, especially in the *Englishman*, in which the issue at stake was not justice or equality, but the Indian magistrate as ogre and threat. Already, explosions had been tripped and alarms were sounding.

Among the Indian papers, only those of Bombay and Calcutta reacted alertly, recognizing the significance of the Bill. But as the din grew louder, more and more of the papers of Bengal, Bombay Presidency, and North India entered the arena. Few chose to debate the points raised by the Anglo-Indian journals. They tended instead to ridicule European fears, accuse Europeans of racism, and challenge the operation of the entire judicial system. Significantly, established papers of known moderation and respectability, such as the *Hindoo Patriot*, *Jam-e-Jamshed*, and *Rast Gostar*, took the lead as much as any of the dedicated agitators or shrill 'penny whistles.' Papers with many viewpoints, urban dailies and smalltown weeklies from different regions, sounded much alike on the subject of the Ilbert Bill.

Lord Ripon watched helplessly as the infection spread. He did not reply to newspaper attacks. The press conference,

interview, and other means of explaining the official viewpoint were not then in use. At first, Ripon attributed the agitation to the machinations of Chief Justice Garth, who he knew was angry at the Government, and to lawyers under Garth's influence.<sup>80</sup> One such was J.C. Macgregor, who was also the Calcutta correspondent of the *Times*. Ripon understood how much public opinion in England was influenced by this one key man. He wrote to Northbrook:

... He is a small Calcutta Barrister, by name Macgregor, who knows nothing of this country or its affairs except what he picks up in the Bar Library and the Bengal Club. He lives in a narrow set of lawyers and represents their feelings and prejudices only. We have offered to give him correct information upon any subject on which he may want it; but he never asks for it, and prefers to telegraph such inaccurate stuff as he sent to the *Times* lately about our financial condition. It is a great pity as the *Times* goes to so large an expense about its weekly telegrams from India Mr. Chenery should not employ a really good correspondent here who should reside at the headquarters of the Government and whose business it would be to supply his newspaper not with his personal crochets but with accurate and trustworthy information. The present system is very mischievous as a great many people at home know nothing of Indian matters except what they see in the Monday telegram in the *Times*. . .

But the problem lay far deeper than anyone's 'personal crochets'. By February 20 the Viceroy had realized that he and his advisers had badly misjudged the European temper. He wrote:

At the moment we are threatened with a storm. . . Magna Charta is invoked; and the days of the 'Black Act' are to be renewed. I had hoped that my countrymen had grown wiser and more generous than they were when they opposed Sir W. Bentinck's measure and received Macaulay's scathing rebuke, but it looks as if they had not much improved. I cannot help but regretting that a row of this sort should

have sprung up at this conjuncture; it will tend to create opposition to the measures of the Government much more important than this one and, if I had had any reason to suspect so hot an opposition to the Bill I would perhaps have hesitated to bring it forward at the present moment.<sup>82</sup>

### 3. The Protest Meetings

During the last week of February, 1883, the campaign against the Ilbert Bill moved into its second phase, involving public meetings and petitions. Ripon, meanwhile, still hoped reason would prevail if only he could explain what the Bill was really about before tempers became too inflamed. Such a chance should have come at the Council meeting of the 23rd, on a routine motion to refer the Bill to the local governments for their official opinions. The Viceroy anticipated a discussion in which he could “clear away some of the rubbish which is being talked.”<sup>83</sup>

However, Ripon lost that opportunity in a futile attempt at fair play. Griffith Evans and Robert Miller told Ilbert that if a debate were to be held, it would have to be preceded by a public meeting, to obtain the views of the Anglo-Indian community. They had opposed such a meeting because of their understanding that there would be no Council debate during the current legislative session. Ilbert replied that no such pledge had been made.<sup>84</sup> But after a talk with Baring, he advised Ripon to postpone the debate, as the Government would not want to appear to be acting inconsistently or breaking its word.<sup>85</sup> Ripon agreed reluctantly, regretting that “our opponents will then have several months to abuse and misrepresent us, and we shall have no opportunity of replying.”<sup>86</sup> However, preparations for a mass meeting in Calcutta’s Town Hall had been begun by J.J.J. Keswick, a leading businessman, and these continued even after cancellation of the planned debate. Evans wrote to Ripon that he and Miller were already being “severely blamed” for trying to prevent a public meeting, and that it was now out of their power to stop such a meeting.<sup>87</sup>

Public meetings were also being planned in other quarters. As early as February 8, W.B. Hudson, secretary of the Bihar Indigo Planters' Association, had written to Steuart Bayley that the Bill had created great excitement among the European planters, and that he was being pressed to call protest meetings.<sup>88</sup> Bayley had spent most of his career in the indigo districts, and the planters considered him 'a friend in court.'

Ripon's next piece of bad luck came from a new and inexperienced spokesman for Indian affairs in the House of Commons. John K. Cross had been named Parliamentary Under-Secretary for India in January. He was described as a thoroughgoing and able man, but lacking in official experience,<sup>89</sup> and his unfamiliarity led to a serious mistake. A Conservative Member asked on February 19 whether a change in the law relating to jurisdiction over European British subjects in India was contemplated, and, if so, if the Government would guarantee that it would not be sanctioned until the Commons had had an opportunity to discuss it. Cross explained the proposed change, but as for a discussion, "as Her Majesty's Government does not wish unnecessarily to delay the accomplishment of these reforms, it is not intended to submit the question to the House of Commons."<sup>90</sup>

That answer was flashed by Reuters to India, where it appeared in the morning papers of the 21st. There it gave the impression that, whatever assurances Ripon and Ilbert might be giving, the Government of India intended to ram the Bill through quickly. The *Indian Daily News*, urging a discussion in the Commons, said Cross's answer "makes it incumbent on those in India who oppose the Bill to make that opposition as public and as strenuous as possible."<sup>91</sup> Ripon had never intended to take decisive action before November, and he sent Kimberley a correction immediately.<sup>92</sup> On that same day, the 21st, the first two protest meetings were held.

The first two protest meetings occurred at both ends of the 'protest axis,' one the Bengal Chamber of Commerce and the Assam tea planters. The Chamber held a special meeting on the 21st, with twenty-six members present and Robert Miller presiding. The first resolution, introduced by Keswick, stated that the Bill "calls for the unqualified disapproval of the Bengal Chamber of Commerce, and should be opposed to the

utmost by every means in its power.”<sup>93</sup> Further resolutions called for circulation of a memorial petition and a conference with the Madras and Bombay chambers of commerce to plan joint action. The petition cited the “long and wide experience” of the signatories in India and their “daily contact with the various classes of the people.” As businessmen their interests were bound up with the security and prosperity of India, and therefore “identical with the true interests of their native fellow-subjects.”<sup>94</sup> Insecurity, due to a want of confidence in the criminal justice system, would be disastrous. Therefore, the petitioners condemned the Ilbert Bill and the idea of a native being qualified to do the work of an Englishman. This was not creating a racial disability, said the petition, but a true test of fitness—one in which fitness was lacking in those of a different education, creed, background, and character. This petition, the work of a committee headed by Keswick, was sent to the Government on March 6.

The Madras Chamber of Commerce, meeting on the 23rd, took an even more impassioned tone.<sup>95</sup> The principal resolution, similar to that of Calcutta, was presented by Alexander Mackenzie,<sup>96</sup> a leading local businessman and a member of the Madras Legislative Council, who said, in part:

. . . from the first introduction of British rule into India, until now, it has always been an understood thing that a European—a white man—wherever he went, represented the governing race, and, as such, was entitled to the respect which we know till now has been accorded to Europeans from the natives. Then again, Europeans who have come to this country, have done so under the knowledge that, should they ever give occasion for inquiry into their conduct, such inquiry would be made by a magistrate of their own class.<sup>97</sup>

Mackenzie portrayed the plight of isolated families, “shut off, often by scores of miles, from the nearest white face, and utterly at the mercy of the natives around them.” Any resentment by a servant or anyone else would lead to perjured charges, against which the lady especially would be helpless. Europeans had escaped such charges, he continued, because a complainant

could not go to the nearest magistrate, but only to the nearest European one, perhaps a hundred miles away.<sup>98</sup>

Mackenzie was followed in the same vein by M. Gould, who warned that the Bill, if passed, would "carry terror and anxiety into the house of every European in the mofussil". Another speaker, R.G. Orr, stated baldly: "I think we may say that one of the grandest anomalies is our presence in this country. We are here simply by force of blood and iron . . ."<sup>99</sup>

As far as can be determined,<sup>100</sup> no Indian newspaper in South India discussed the Ilbert Bill before February 22, when the *Hindu* mildly criticized a *Madras Mail* article.<sup>101</sup> However, this outspoken meeting of the Madras Chamber provoked a scathing rebuttal which dominated the next issue of the *Hindu*. It said the legal disability was not just a "sentimental grievance," as Mackenzie had claimed, but one "which brands native servants, otherwise competent and trustworthy, as unfit to judge the character of an European offender."<sup>102</sup> As for Orr's 'blood and iron' remark, it responded:

Mr. Orr need hardly require assurance that double the amount of his boasted 'blood and iron' will hardly be sufficient to enable Englishmen to hold India, were it not for the deeprooted tradition and belief of the people that despite occasional blunders, England has tried to deal with them in a fair and generous spirit.<sup>103</sup>

The *Hindu* saw the Bill as a small but significant step forward. But no Indian in Madras Presidency could receive the power for many years, it said, and the alarm raised by the English Press on such topics as the flight of capital was 'unfounded and unreal'. Europeans in danger in the *mufassil*? They were "more dreaded and more respected" there than in the cities. If Indians did not always understand European character, Europeans seemed to get *their* notions of native character from menial servants, tradesmen, and others who sought their favor. The aim of a court, the *Hindu* concluded, was the impartial administration of justice, and that, rather than the race of the judge, had to be the determinant.<sup>104</sup>

A competing weekly, the *Madras Native Opinion*, opposed the Bill. It did not fear abuse of powers by Indian magistrates,

but felt their limited knowledge of English and of European ways might make it difficult for them to judge disputes among Europeans.<sup>105</sup> Thus, although there was no unanimity, after February 23 there were Indian opinions on the Bill in Madras, thanks largely to the Chamber of Commerce.

Dibrugarh, at the upper end of the Brahmaputra River valley, was the site of the first *mufassil* protest meeting. What was called an “extraordinary general meeting of the Indian Tea Association and the general public of Lukhimpore” was held on February 21 at the Dibrugarh Club.<sup>106</sup> Thirty-three men attended, with proxies received from 48 others. The chairman, C. Hill, read a telegram on the progress of the Bill from the secretary of the Calcutta Tea Association. After a discussion the following resolution was carried unanimously:

That this meeting indignantly protest against the most ancient privilege of a Briton being sacrificed merely for a political sentiment, and are strongly convinced that especially in Assam, which differs so greatly from other parts of India, both in being so isolated from the influence of public opinion and owing everything to European enterprise and capital, such legislation as proposed will not only vitally injure European interests, but, by debarring future capitalists and alienating existing ones, will stop the progress of the Province, and is even now aggravating, and will certainly revive that antagonism and friction of races which has of late years remained dormant.<sup>107</sup>

The Dibrugarh resolution neatly encapsulated the fears, frustrations, and self-image of the Assam planters. Isolated they were. To reach Dibrugarh required a two-week trip up-river of nearly 400 miles from the rail terminal at Dhubri.<sup>108</sup> They had fanned out around Lakhimpur District, as far as sixty roadless miles from Dibrugarh, the district’s only sizeable town. Lakhimpur had 207 tea gardens in 1883, averaging 200-some acres, perhaps 200 coolies, and usually a lone European as manager.<sup>109</sup> The planters felt that the progress and prosperity of that previously ‘unproductive’ land depended on them and their backers. But the ‘ungrateful’ Government did not appreciate their risks and hardships, and harassed them with labor

inspectors, sanitation regulations, and loads of paperwork.<sup>110</sup> As for racial friction being dormant, did the planters really believe that? They had to import coolies under contract—two-thirds of the Assam tea labor force was non-Assamese<sup>111</sup>—and frictions were almost inevitable (*supra*, p. 9). The Government had made desertion of a laborer under contract a criminal offense; an 1882 law empowered an employer to catch and arrest a deserter without a warrant.<sup>112</sup> Samuel Baildon probably spoke for most of his fellow-planters when he wrote that they should be allowed to corporally punish coolies.<sup>113</sup> During 1882, 485 coolies were sentenced to jail for contract violations in Assam. In Cachar District alone, nineteen cases of assault were lodged by coolies against their employers, with five convictions.<sup>114</sup> In Sylhet District in 1883, coolies rioted and assaulted one planter, and villagers attacked another.<sup>115</sup> The planters' fears of the coolies, mistrust of Indian magistrates, and resentment of an unappreciative government were not surprising.<sup>116</sup>

The second *mufassil* meeting was reported in Darjeeling, in northern Bengal. A preliminary meeting took place on February 24 after a parade of the local Volunteers (European militia). A full meeting of the European community was held on the 26th, at which the Bill was "heartily condemned" and unanimous support given to the actions of the Bengal Chamber of Commerce.<sup>117</sup> A meeting in Tindaria on the 25th was attended by "every European in the neighborhood," it resolved that the Ilbert Bill was "subversive of the first principles of English national right, and calculated to destroy that feeling of mutual confidence which has been happily growing up between Englishmen and natives."<sup>118</sup> The pattern spread quickly. Similar meetings were held on the 26th in Sukna, Garidura, Pinkhabari, and Chota Nagpur.<sup>119</sup> (This last, apparently, was the first held outside of a tea-growing area.) For the 27th meetings were reported at Silchar, Dinapur, Ranchi-Hazaribagh, and Kurseong.<sup>120</sup> The Kurseong meeting, not satisfied with the usual line about ancient rights and the flight of capital, added that "as facts show the native community to be utterly incapable of governing themselves in the most trivial matters, it is most absurd and unjust to allow them to attempt to govern Englishmen."<sup>121</sup> The following day saw meetings at Jalpaiguri, Madhupur, and Raniganj, where a fund of Rs. 400 was subscribed

on the spot.<sup>122</sup>

Meanwhile, the thrust-and-parry of the newspaper editorials became fiercer. The *Amrita Bazar Patrika* of February 22 entitled its thrust "Empress vs. Privilege of Cowards."<sup>123</sup> By maintaining reduced sentencing powers and other special privileges for Europeans, it said, the Government was treating them like children or madmen and deliberately violating the Queen's pledge of equal treatment. These restrictions served only "to encourage crime and protect criminals," it continued:

The people of the country are very little interested in the amendment proposed by the Government. But it is something very different that a European should get a lighter sentence under the law than the native for committing the same crime. The dominant race may object to being tried by the nigger, but the European forger can have no reason to object to be on equal terms with a native forger.

. . . If the Bedias, who are professional thieves, were entrusted with the power of making laws, they would no-doubt provide that the Sessions Judges, with the power of life and death over others, should have very little power over Bedias.<sup>124</sup>

If the purpose of such an abusive article was to bait the Anglo-Indian Press, the *Patrika* succeeded. The *Englishman* reprinted it as an example of what comes from attempts "to establish a reign of equality by leveling down," through "measures calculated to convulse society." Such was not Ripon's intention, it conceded, but even a Radical should understand "that the spirit which openly describes the English in India as 'cowards' is one that cannot be safely tolerated."<sup>125</sup> Both the *Pioneer* and the *Times of India* also reprinted the *Patrika* article and viewed it with alarm.<sup>126</sup>

As tempers rose, the newspapers became more outspoken. The *Times of India* said Ripon had filled Europeans with fear "that their dearest rights and privileges will not be considered for a moment if they clash with the sentiments of a handful of native agitators, or run counter to the symmetrical ideas of a brand-new Legal Member."<sup>127</sup> The *Indian Daily News* concluded one diatribe with a threat:

If the Government, having invited an expression of public opinion, should disregard that opinion, and coerce the European community into suffering the alteration of the law, then an association must be formed, and money must be forthcoming, and the great public in England must be stirred up to deal with what will amount to the greatest and most inexcusable mistake ever committed by a Governor General of India.<sup>128</sup>

Even if the Bill were to be shelved temporarily, the *Pioneer* advised, the protests against it should be so strong as to make its reintroduction at the next session impossible.<sup>129</sup> The dangers from the Bill were slight, it said, and the Indian Civilians were men of ability and integrity, *but*:

They do not, and cannot for years to come, enjoy the confidence which Englishmen feel in the sturdy manliness, the perfect independence, the imperviousness to all external considerations, the bold assertion of opinion against powerful influences in another direction, which they feel . . . in their own countrymen. To speak plainly we must be allowed to observe that the Native Civilians have yet to show that in positions of difficulty, danger and temptation their moral qualities—courage, firmness, unwavering rectitude—will serve them in as good a stead as they have served Englishmen on a thousand occasions . . . Let Mr. Gupta and his associates disabuse Englishmen of their prejudice by careers of distinguished rectitude and unquestioned honor. Another generation may then be prepared to concede the powers which they now claim.<sup>130</sup>

The *Statesman*, still the dissident, stuck to its defense of the Bill. It was absurd, that paper maintained, to think of the Government not giving Englishmen adequate protection.<sup>131</sup> The Government was committed to the Bill and would not withdraw it, it said three days later, but perhaps by consulting leaders of both communities, a suitable compromise might be evolved, such as limiting the jurisdiction to Covenanted Civilians.<sup>132</sup> The idea of consulting Indians on the rights of Englishmen infuriated the *Englishman*: “If the personal status

of Englishmen is to be regulated by the wishes of the natives, the alternative lies between their leaving the country and becoming hewers of wood and drawers of water to its inhabitants."<sup>133</sup>

The correspondence columns remained vehicles for much freeswinging rhetoric. Sometimes plausible arguments were advanced, such as the one noting that Indians preferred to take their cases before European magistrates; if they did not trust the integrity of their countrymen, Europeans were right not to do so.<sup>134</sup> More frequent were those on the level of one which warned that passage of the Bill would mean "subjugation of a superior to an inferior civilisation, and consequently, the complete degradation for all time in India of western thoughts, of western morals, and of western science."<sup>135</sup> Several letters suggested mass resignation of the Volunteers in protest, as the Bill would have put them "under the heels of the very people they are meant to restrain."<sup>136</sup> Perhaps the smuggest letter of the week came from a European of Upper India who professed himself "a sincere friend possessing the confidence of many thousands of them." This 'sincere friend' gave eight reasons for opposing the Bill, including:

5. Because it is, of course undesignedly, a weak and despicable pandering to the race prejudices, petty jealousies, carping envies, sinister designs, and seditious plotting of certain native factions, bent on nothing short of gradually clearing the country of all Europeans. . .

7. Because I do not believe that any person—whatever his mental qualifications and educational advantages—born, brought up and educated among Heathens and Mahomedans and an adherent himself of either faith, possesses or can possibly possess, that degree of moral fitness for the exercise of high judicial functions which a person may be reasonably expected to possess, and who has been born and educated amidst the highest type of Christianity which the world has ever seen. For instance, I am convinced that the former can never compare himself with the latter, except at a disadvantage to himself, in that high sense of justice, judicial fairness, unassailable honesty, innate love of truth, unwavering fidelity, unflinching courage, and universal sympathy with his fellowmen, which is

generally characteristic of the latter. The same objection holds good, only in a less degree, against the appointment of Native Christians, however sincere, to high judicial positions, since their morality is confessedly of a low type, their home training very defective, their principles somewhat plaint, and their religion a weakly exotic. . .<sup>137</sup>

In Indian newspapers the prevalent note during the last week of February was surprise and regret.<sup>138</sup> The *Hindoo Patriot* deeply regretted the protest meetings, but advised Indians to "keep quiet and not make counter-demonstrations," as that might "carry race strife to the bitter end."<sup>139</sup> An Urdu weekly cited the example of the Emperor Akbar, who gave high office to Hindus and built an empire, as against his successor Aurangzeb, who alienated Hindus and forced a rebellion.<sup>140</sup> However, the Bengal Chamber of Commerce drew a sharp counter-attack. *Som Prakash* said the Chamber's campaign would make the Queen's Proclamation look ridiculous.<sup>141</sup> The *Indian Spectator* remarked that "the old spirit of mercantile buccaneering" still dominated Bengal, where indigo planters "have by their wealth and influence kept the coolies in a state of thralldom."<sup>142</sup>

A grim but game Ripon reported the situation to Kimberley:

. . . I am not sure if I should have moved in this matter just now, if I had supposed that Englishmen in India were like the Bourbons, and had learnt nothing and forgotten nothing since the days when they threatened to drown Macaulay in the Hooghly; but, as presently advised, I am inclined to think that as we have taken the question up, we had better go through with it, and get it settled out of the way of our successors.<sup>143</sup>

The Home Government was troubled, too. As early as February 16, Cross told Ripon the Bill was "exercising the minds of the old (Anglo) Indians here, and I think they do not understand the merits of the proposal, nor do they seem willing, to consider them. . ."<sup>144</sup> Questions were asked in Parliament. Yes, Kimberley told the Lords on the 20th, the Bill had been

sanctioned by the Secretary of State in Council.<sup>145</sup> Yes, Cross told the Commons on the 23rd, the proposal had been considered by the Government of India for many years.<sup>146</sup> Were steps being taken to ascertain non-official opinion on the question? Did the Government know whether protest meetings were being held? The opinions of the local governments had been asked before the change was proposed, replied Hartington on the 27th, and “it is impossible to believe that those Governments are ignorant of opinions or feelings of the non-official European public.”<sup>147</sup> Kimberley wrote on March 1 that there was much alarm about the European upset in India, and that there might be problems in Parliament, even among the Liberals. “I cannot yet gauge the strength of the opposition to the measure,” he wrote, “but it is evident that the dislike of the Bill is not confined to our political opponents.”<sup>148</sup>

Macgregor’s *Times* dispatch of February 25 reported the newspaper articles, letters, and meetings in profuse detail and exulted:

In the course of an experience in India extending over several years, I have never known a measure to arouse so intense and general a feeling of indignation among the European population. . . . With the exception of the small group of officials who are dependent upon the Viceroy for promotion, every Anglo-Indian, official and non-official, to whom I have spoken, is opposed to the Bill. . . . Whether the Government will persist in the face of this strong and united opposition is doubtful.<sup>149</sup>

The Calcutta correspondent of the *Pioneer*, who also seems to have been swept up in the excitement, wrote on the 27th: “Local feeling, inflamed by successive reports of indignation resolutions from every part of the country, is at fever height.”<sup>150</sup> But only one side was fighting, he said, and it was tame work with not even a show of opposition. The angry townsmen needed some way “to relieve themselves of their honest indignation.”<sup>151</sup> On the very next day, they found a way.

#### 4. The Town Hall Meeting and its Aftermath

The crowd which crammed Calcutta's Town Hall, across the street from the Viceroy's residence, on the afternoon of February 28, 1883, was estimated at 3,000 to 5,000 persons.<sup>152</sup> European shops and offices closed, so that as many as possible could attend. The *Statesman* said the hall was completely packed by the crowd, which was "nearly all white, of one creed, and claiming one nationality," although "a few natives were to be seen here and there on the outskirts."<sup>153</sup>

The meeting had been called by Robert Miller in his role of Sheriff of Calcutta, upon petition of 180 men, headed by Keswick.<sup>154</sup> Miller opened the meeting by regretting its necessity, fearing it would "stimulate and enflame" race antagonisms. He then presented Keswick, who presented the principal resolution, which summed up the case against the Bill.

That in the opinion of this meeting the Bill for the amendment of the Criminal Procedure Code is unnecessary in the interests of justice; uncalled for by any administrative difficulty; based on no sound principle; founded on no experience; whilst forfeiting a much-valued and prized and time-honoured privilege of European British subjects, it in no way affords any additional protection to natives; it will deter the investment of British capital in the country by giving rise to a feeling of insecurity as to the liberties and safety of European British subjects employed in the mafasal and also of their wives and daughters; and it has already stirred up on both sides a feeling of race antagonism and jealousy, such as has never been aroused since the Mutiny of 1857.<sup>155</sup>

The resolution was temperate enough. The speeches were not. Many of the arguments were already familiar, but now they came, not from anonymous letter-writers, but from the business and professional leaders of Calcutta, speaking openly, on a public platform. Keswick, speaking first, said Indians could never be entrusted with power over the liberties of Europeans. A few years' training in England could not change

the nature and character of a Bengali any more than a leopard could change his spots. Since “he has had no high principles inculcated during his infancy by an educated mother,” and since to thoroughly understand European nature it is necessary to have that nature, the Indian was necessarily unfit to judge the European, according to Keswick.<sup>156</sup>

Seconding the resolution was James H.A. Branson, a Calcutta barrister for twenty years. Branson blamed the Government for having “hurled this apple of discord” and having set “class against class.” Englishmen, said Branson, would not be judged by Indians, for Indians could never understand the value which a freeborn nation places upon its freedom, personal liberties, and reputations. Indians hate Englishmen intensely, according to Branson, as a conquered nation always hates its conquerors. Therefore, “a few blatant Bengalee Baboos” wanted the glory of sitting in judgment on their conquerors. “Verily and truly, the jackass kicketh at the lion,” he said, as the crowd shouted and cheered. “Show him that the lion is not dead; he sleepeth, and in God’s name, let him dread the awakening.”<sup>157</sup> He spoke of the ‘greasy Baboo’ and the plots of the ‘wily Native,’ and the sacred duty to protect English-women from their insolence. Branson then demanded that Englishmen present swear to fight for their rights, “for the sake of those that are dearer to you than everything else that God has given to you on this earth!”<sup>158</sup> The assemblage roared its approval.

The remaining speakers sustained the spirit which Keswick and Branson had created. W. Bleek, resident partner of a large insurance agency and German consul in Calcutta,<sup>159</sup> said all foreigners (i.e., non-British Europeans) would have been affected by any change in the law, and they too should oppose the Bill. J. Pitt-Kennedy, seniormost member of the Calcutta Bar and a former member of the Legislative Council,<sup>160</sup> related instances of what he said were deliberately false charges against Europeans. J.G. Apcar, barrister and leader of the Armenian community of Calcutta, said even though Armenians did not have the rights of Europeans, they would give the European cause full support, as it was the “conquerors” who had brought about “the present state of prosperity.” The Rev. H. Finter, rector of St. James School and president of the

Eurasian and Anglo-Indian Association,<sup>161</sup> said the Englishman who went abroad surely carried his rights as citizen with him. The Viceroy was so anxious to help Indians, he said, but why at the expense of Europeans and in violation of centuries of tradition? "We cannot govern the natives, putting them side by side with ourselves," Finter concluded. "We must either rule or we pander."<sup>162</sup>

The tumultuous meeting lasted almost three hours. The *Indian Daily News* rhapsodized:

....His Excellency asked for public opinion. The way Mr. Branson was cheered and re-cheered and again cheered and still cheered, is such a reply as no Governor-General has as yet received. . .We never saw such a meeting, or a meeting so stirred, so passionate, and so anxious to make its voice heard, and its views and feelings understood. .... The meeting was like the great opening of a revolution,—like the commencement of a time when men would go any length for their rights, and dare and do anything for principle. It is not Englishmen only who protest. . .we saw Jews and Parsees, Greeks and Armenians, Americans and Germans, Frenchmen and Englishmen—the merchant, the trader, the soldier, the volunteer, the civilian, the uncovenanted servant of the Government, the planter. ....There was something pathetic, something of pride, and a declaration of English manhood, at the end, when after enthusiastic cheers for the Queen, the great heart of the meeting found relief and vent in singing 'God Save the Queen'. It was appeal for protection to the mother land and the mother Queen.<sup>163</sup>

Newspapers elsewhere which opposed the Bill chorused approval of the Calcutta meeting. Some regretted the speakers' "lapses in taste" and the resulting racial enmity, but they blamed it on the Government for so provoking them. The *Times of India* said Branson's passion might have carried him "beyond the ordinary bounds of courtesy" but the meeting had certainly proved that there were no two minds on the subject among Europeans.<sup>164</sup> In Lahore the *Civil and Military Gazette* felt that Branson had not said "a word more than was justified,

and indeed demanded, by the deplorable circumstances," and that the Calcutta resolutions and "every word of the indignant speeches" would receive "ample support" in Upper India.<sup>165</sup> The *Pioneer* asserted that for the first time, "the Viceroy of India is confronted with the entire body of Europeans in this country."<sup>166</sup> The views of Keswick and Branson were

the unanimous conviction of all Europeans who have lived in the country, who know what a mofussil magistrate's court really is, and who are cognizant of the innumerable side influences that are brought to bear on a native official, embarrassing his action, clouding his judgment, and imperiling his impartiality.<sup>167</sup>

The more liberal papers were no doubt disturbed by the Town Hall meeting, but they muted their criticisms. The *Statesman* said Branson had made it impossible for the Government to withdraw the Bill, since it would then appear to Indians to be yielding to such sentiments.<sup>168</sup> The Calcutta correspondent of the *Bombay Gazette* wrote that the meeting had gotten completely out of control of the local merchants who had organized it and had nearly provoked a riot:

The abuse of the natives set the audience beside itself with delight, and it cheered so as to shake the roof . . . The next day the natives were worked into a sort of fury by what had taken place. Forty or fifty thousand men were to meet and denounce the conduct of the speakers and the audience in the Town Hall. This intention was abandoned when it became known that the said audience would stone the demonstrators. . .<sup>169</sup>

Indian newspapers of all stripes, in all parts of the subcontinent, assailed the Town Hall meeting. Some regretted, some warned, some sneered, some tried to match the orators in vituperation. Even the cautious *Hindoo Patriot* was grieved to find "sensible people" leaving "their reason, judgment, and manhood behind . . . in obedience to a malevolent race cry."<sup>170</sup> The *Hindu* said it had never seen Englishmen in India behave so ridiculously.<sup>171</sup> *Akhbar-i-Am* could not understand "why Europeans

so greatly hate natives.”<sup>172</sup> To *Indu Prakash* it was a “ludicrous example of sheer rowdyism.”<sup>173</sup> *Rast Goftar* and other papers said the Government could not withdraw the Bill without sanctioning the abuse and vilification of the natives.<sup>174</sup> *Som Prakash*, in a long analysis of the Town Hall arguments, attributed them to the increasing high-handedness of *mufassil* Europeans, who regard Indians as dogs or jackals.<sup>175</sup> *Sambad Prabhakar*, the largest Bengali daily, attacked Branson for his remarks about the Bengali character and the Chamber of Commerce for its selfishness and ingratitude.<sup>176</sup> The *Indian Mirror* denounced Branson for claiming Indian judges were motivated by class hatred; it challenged him to name a single instance.<sup>177</sup> *Shivaji*, a small Poona weekly, had a large idea: if Indians were so contemptible to Englishmen, Indians should desire a “termination of their connection with England.”<sup>178</sup>

The *Indian Spectator* said if the agitators meant half of what they said,

it becomes evident that their Christianity and their civilization are empty words and their lives are regulated on the lowest principles of public morality . . . We do not understand the silence of native public bodies in Bengal. Is there no Association to give a counterblast to the Chamber of Commerce's cry?<sup>179</sup>

*Amrita Bazar Patrika*, with its usual mix of pepper and vinegar, said the purpose of the meeting was not to defeat the Bill, but to enable Europeans to abuse Hindus: “The picture of a Bengalee Babu was held over their eyes, and they immediately lost their consciousness and became mad. There was a prospect of abusing the Bengalee Babus, and this is the secret of monster gathering. and the enthusiasm displayed at the meeting.”<sup>180</sup> The *Patrika* expressed surprise that Englishmen carried hidden hatred of Hindus in their hearts, and said:

The Englishman, with his politeness, his smiling face, his high moral talks, his intelligence, his Christian charity, his British generosity, his cosmopolitan views, to prove after all a deceitful being to the people of India is a sad disappointment to them, and a rude shock to their feelings.

The cobra is a beautiful reptile. . . . But provoke a cobra, and then you find that, it carries concealed a deadly poison.<sup>181</sup>

Most melodramatic of all was *Reis and Rayyet*:

Perhaps no meeting in the world has ever indulged in so much dastard, malevolent, useless Billingsgate. . . . The harangues merely indulged in the hackneyed tune of Rule Britannia, the superstition of Magna Carta, the mysterious inalienable rights of Englishmen, and other such post-prandial nonsense. For the rest, it was one valourous strain of abuse of the terrible Babu. . . .

It is over now—the possibility or hope of an *entente cordiale* between native and European. The meeting was more than *casus belli*—it is the formal declaration of war—a war without ultimatum as without provocation. We must accept the battle forced upon us. But not without regret. A hundred years' work has been dashed to the ground—nullified in a moment of frenzy.<sup>182</sup>

Examples could be multiplied, for the anger arising from the Town Hall meeting ran wide and deep; self-restraint and surface courtesies became excess baggage.

The Anglo-Indian newspapers printed many letters supporting the Town Hall meeting. One called it “the most marvellous spectacle” the author had ever seen and conjectured about its leading even to a possible mutiny:

Had it not been for the splendid manner in which the meeting was kept in hand, nothing would have restrained its members from marching to Government House to make a representation of their wrongs to the Viceroy personally. Not a single European policeman would have interfered. Had the Government attempted to obstruct the movement, it would have been driven to the dangerous alternative of either calling out British soldiers, whose sympathy in this matter would have been entirely in accord with those of their fellow-countrymen and co-religionists, and who would in all probability have fraternised with the members of the

meeting, or else the Government would have been forced to the terrible experiment of seeking the assistance of Native troops. If a single drop of European blood had been shed under these circumstances, it would have inevitably led to an internecine struggle in every cantonment in India. . . .<sup>183</sup>

Letters from Volunteers still threatened resignation or a demonstration designed to embarrass the Viceroy. Angry letters from Army officers began appearing in the Calcutta papers, such as the warning that it would be difficult to control the men if one of their comrades were to be imprisoned by a native judge.<sup>184</sup> These were relayed to London by the efficient Macgregor;<sup>185</sup> they brought a worried telegram from Kimberley,<sup>186</sup> which Ripon sent to his Commander-in-Chief. General Stewart replied that the soldiers were upset, that "the Press have no doubt been using every means to excite the men, though they have ostentatiously appealed only to the Volunteers as yet."<sup>187</sup> But, he said, the commanding officers would have noticed any "general expression of sympathy" with the protest by the men had it taken shape.

In Simla, Allan Octavian Hume, who had retired in 1882 as Secretary to the Department of Revenue and Agriculture, followed events closely. Hume had been known as a dissident in his service days, a man who cultivated contacts with Indian leaders. On the day after the Calcutta meeting, he wrote a circular letter to the graduates of Calcutta University, urging them to found an association "to work for the regeneration of the people of India." Unless they, the 'picked men' of the nation, could make a resolute struggle for greater freedom and self-government, "then are Lord Ripon's noble aspirations for your good fruitless and visionary."<sup>188</sup> Hume's letter touched off a chain of events which led to the calling of the first Indian National Congress two years later.<sup>189</sup>

Ripon reacted to the Town Hall meeting by sending copies of the *Englishman's* account to Kimberley, Hartington, Northbrook, W.E. Forster, his friend Thomas Hughes, and his old mentor, Sir Charles Wood, to show them the tenor of the agitation.<sup>190</sup> In a long letter to Kimberley, the distressed Viceroy tried to minimise the protest and his role in provoking

it. It was the Calcutta barristers who had stirred it up, he wrote, because of the reduction in the judges' salaries and the Mitter appointment. He could not be entirely acquitted of blame, Ripon admitted, but those who knew the country far better than he had shown no greater foresight. The experienced Eden had recommended the change, and there was nothing liberal or sentimental about him. No warning had come from the cautious Lyall, nor the conservative Fergusson, nor from any heads of local governments, nor from his Council, nor the Council of India. There had been Carmichael's warning, but its tone had been "ill-calculated to give weight to the opinions expressed in it."<sup>191</sup> Ripon then observed:

I quite admit that I had no idea that any large number of Englishmen in India were animated by such sentiments . . . I deserve such blame as may be attached to me for not having found out in a residence of 2½ years in India the true feeling of the average Anglo-Indian toward the natives among whom he lives. I know them now, and the knowledge gives me a feeling akin to despair as to the future of this country.<sup>192</sup>

Ripon saw that far more was at stake than the question of criminal jurisdiction. It was the entire philosophy of the British Indian Empire, which he felt only Parliament could decide. To Forster, a member of the Commons, he wrote:

The question at issue is not the passing of this particular Bill, but the principles upon which India is to be governed. Is she to be ruled for the benefit of the Indian people of all races, classes, and creeds, or in the sole interest of a small body of Europeans? Is it England's duty to try to elevate the Indian people, to raise them socially, to train them politically, to promote their progress in material prosperity, in education, and in morality; or is it to be the be all and the end all of her rule to maintain a precarious power over what Mr. Branson calls 'a subject race with a profound hatred of their subjugators?' This great question cannot be decided here; it rests with you in England to decide; if the House of Commons speaks, as I do not doubt

that it will speak, with no uncertain voice, I feel pretty sure that the 'blatant' Branson will be heard no more, and that our future policy in India will be established on just and liberal lines; but if you fail us now, all my labours will have been in vain, my work will be wholly wrecked, and the effect upon the minds of the natives will, in my judgment, be disastrous in the extreme. . . .<sup>193</sup>

In the opposing camp, Sir James Fitzjames Stephen also saw the Ilbert Bill in terms of large imperial principles. The first of several long letters from Stephen, then a High Court judge in England, appeared in the *Times* of March 1. In it he explained the 1872 compromise, trial by one's own race, and the prevalence of personal law in India (*supra*, p. 12).<sup>194</sup> But now he went further. Stephen was an authoritarian Utilitarian, wedding the principles of Bentham to those of Hobbes and opposing government based upon "abstract doctrines of liberty and the rights of man."<sup>195</sup> Backward India especially needed the firm hand of authority if its oppressions and corruptions were not to be perpetuated. To Stephen, the Ilbert Bill implied a relaxed hand and shared power,<sup>196</sup> dangerously

shifting the foundations on which the British Government of India rests. It is essentially an absolute government, founded, not on consent, but on conquest. It does not represent the native principles of life or of government, and it can never do so until it represents heathenism and barbarism. It represents a belligerent civilization, and no anomaly can be so striking and so dangerous as its administration by men who, being at the head of a Government founded on conquest, implying at every point the superiority of the conquering race, of their ideas, their institutions, their opinions and their principles, and having no justification for its existence except that superiority, shrink from the open, uncompromising, straightforward assertion of it, seek to apologize for their own position, and refuse, from whatever cause, to uphold and support it.<sup>197</sup>

In the week which followed the Town Hall meeting, the wave of protest meetings spread further, and indignant letters

continued to pour into the editorial offices of the Anglo-Indian papers. Some suggested a permanent organization, some wanted to send a delegation to Parliament, and some enclosed contributions for a defense fund. Not only must the Ilbert Bill be totally withdrawn, they demanded, but the rights of Englishmen in India must be safeguarded for the future. One correspondent proposed formation of a 'British League', with India divided into electoral districts and one delegate elected from each (entirely by the British, of course).<sup>198</sup> Sometimes, beneath the bombast, a near-panic could be glimpsed:

. . . Out here the odds against us are reckoned not by the units, tens, or thousands, but by millions. We are among the natives, as a ship on the wide and fathomless ocean constantly at the mercy of the wind, waves, and hidden rocks . . . Most of us that have lived for any length of time out here, know the worry that a 'feringhee', European or Eurasian, mostly meets at the hands of natives, when he is alone, no Christians near, and they have it in their power either to tease or please, hinder or expedite his prospects or progress. It is only natural to dislike; perhaps it is impossible for pagans to be just to foreigners holding them in subjugation.<sup>199</sup>

A few letters defended the Bill; two strong ones appeared in Bombay papers that week. One, from W. Wordsworth, professor of history at Bombay's Elphinstone College, chided the Government for its halfhearted defense of the Bill. He said it could never develop a conscientious and efficient class of public servants under a system which imposed upon them "a galling consciousness of inferiority." Wordsworth concluded with a warning:

When public orators think it decent to proclaim that we hold India by right of conquest—a statement which is only very imperfectly true—and that we intend to govern it in accordance with our own views and interests, without any regard to the wishes and susceptibilities of the Indian people, they have no right to be surprised if they receive a reply which disturbs their self-complacency.<sup>200</sup>

The other came from Badr-ud-din Tyabji, prominent barrister, member of the Bombay Legislative Council, and founder of the Anjuman-i-Islam there. Tyabji tried to analyze and refute the European arguments in detail. Would a native magistrate, he asked, be governed any more by race prejudice than a European of Branson's stripe?

Are we to have one set of scales for administering justice to the natives of this country, and quite another for Europeans? Are our courts good enough for trying questions of life and death for the 250 millions of this country, but not fit even to try the most trivial questions in regard to Europeans? What wonder that the natives of this country should believe that these exceptional provisions are intended more to screen European offenders than to secure impartial justice?<sup>201</sup>

Tyabji denied assertions that Indians cared nothing for the Bill. The real issue was whether the British would govern India upon the principles of Lord Ripon or those of Branson. "Let no one deceive himself," he said, "there is not an educated native who breathes in this country who is not and does not feel himself to be vitally interested in the answer. . ."<sup>202</sup>

This alleged indifference was also refuted in a joint pro-Bill petition sent to Ripon by six Calcutta-based organizations: the British Indian Association, Indian Association, Mahomedan Literary Society, National Mahomedan Association, East Bengal Association, and Vakils' Association. "However limited the scope of the present Bill may be," their petition read, "the principle on which it is based is just, sound, righteous, and meets with their entire approval."<sup>203</sup> They urged the Viceroy not to let any "clamour, taunt or threat" impede the progress of the Bill. The *Englishman*, however, refused to print their statement. The paper said only Europeans would be affected by the Bill, Indians would gain no tangible advantage from it, and Indian associations therefore had no *locus standi* in the argument. It raised the same objection to Indian members of the Legislative Council deciding on the Bill; calling it "an iniquitous, an intolerable thing, that Englishman should be liable to have their birthrights voted away by Asiatics."<sup>204</sup> The

*Hindu* retorted angrily: “And we deny to the unofficial English community any right to be heard on any question affecting the interests of this country.” They are “mere adventurers, in search of a livelihood which they cannot obtain in their own country.”<sup>205</sup>

Reports of European protest meetings also increased: Silchar on March 1, Chittagong on March 2, Sylhet on March 4, Jubbulpore and Naraingunj on March 5, Murshidabad on March 6.<sup>206</sup> European employees at railway centers began meeting and circulating petitions, such as at Sealdah on March 6.<sup>207</sup> More than fifty Europeans of Dinapore and Khagole met on March 3 at the East India Railway Institute, where a series of speakers attacked the Bill. One of them declared that the English birthright was being bartered for “a mess of pottage,” and that no anomaly was stranger than that of “conquerors willing to place their necks under the heels of the conquered.”<sup>208</sup> In South India the first *mufassal* meeting apparently occurred on March 2 in the tea-producing Wynad section of Malabar District.<sup>209</sup> A protest meeting was held in Cochin on March 8, sponsored by the local Chamber of Commerce.<sup>210</sup> Planters met the next day at Devalah; resolutions were passed unanimously, 150 signatures were obtained for petitions, and a subscription fund was started.<sup>211</sup>

Indigo planters met simultaneously in the district of North Bihar on March 5 at the request of W.B. Hudson. Telegrams were exchanged during the day among the meetings in Muzafurpur, Motihari, Chapra, Sewan, Darbhanga, Somastipur, and Munjaul in this well-organized and coordinated operation. Hudson himself addressed the Muzafarpur meeting, giving his planters a “we-conquered-India-by-the-sword, we-hold-it-by-the-sword, and will-hold-it-against-all-odds” oration.<sup>212</sup> He criticized Gupta, thanked “our brethren in Calcutta” for their concern, and secured passage of a resolution urging Bayley to place their petition before the Viceroy.

In Allahabad more than 200 persons met in Mayo Hall on the evening of March 6. After an opening speech, they passed a resolution approved by the Bengal Chamber of Commerce, with which, according to the speaker, the local committee was working.<sup>213</sup> After two other resolutions were presented, the chairman asked if there were any objections. Then

there occurred a brief departure from the script prepared for these defenders of English liberties. According to the *Pioneer*:

Dr. Sherman Bigg, Army Medical Department, rose to speak, but was met by such a storm of disapprobation that he could not obtain a hearing. The Chairman remarked that he was sorry to see that there was a wolf in the fold. Dr. Bigg was informed that he would be out of order unless he intended to confine what he had to say within the four corners of the motive specified in the notice convening the meeting. He resumed his seat in the face of the cries with which he was assailed.<sup>214</sup>

The morning of March 9 brought the announcement of the formation of a European and Anglo-Indian Defence Association by a committee named at the Town Hall meeting. It was to be a permanent association, to "act as a standing vigilant Committee both in England and in India for protecting from invasion and destruction the rights and interests of Europeans and Anglo-Indians."<sup>215</sup> The organization to lead the campaign against the Ilbert Bill had taken form, and its ample backing within Calcutta and out had been demonstrated.

## 5. The Council Debate of March 9

This frantic activity of early March pointed toward the debate on the Ilbert Bill which had been rescheduled for the Legislative Council meeting of March 9. Opponents tried to pressure Ripon into withdrawing the Bill, sometimes employing personal attacks on him. One of the first to open fire was the *Madras Mail*, which saw in his conversion to Catholicism evidence of a man of no strong convictions and easily swayed. Moreover:

He is a Viceroy of the closet, rather than of the field and camp; instead of galloping about the country and seeing men and things for himself, as Lord Mayo used to do, he prefers to receive knowledge as filtered through the brains

of obsequious secretaries, and to pen dreamy minutes from the Himalayan mountains.<sup>216</sup>

As for Ilbert, he was a barrister wholly unacquainted with India, yet making laws for the people of India, according to the *Madras Mail*. The *Times of India* said Bombay should urge Ripon to admit a mistake and withdraw the Bill, since continuing with it would end in "something like a White Mutiny."<sup>217</sup>

In London the *Times* found that the dangers which it had foreseen (and aroused) a month earlier had assumed "a portentous importance." If Ripon were the strong man needed to run the Indian Empire, there would have been no Ilbert Bill, "or the rest of the frivolous legislation which has recently come into vogue."<sup>218</sup> In India, the *Times* said, where there is no representation, public opinion has expressed itself in the only ways open to it. It concluded: "Lord Ripon cannot be deaf to the appeal which has been thus pressed on him. His most fitting, his most straightforward, his most manly course would be to put a stop at once to the agitation by announcing that he does not intend to proceed further with the Bill which has excited it . . ."<sup>219</sup>

The *Pioneer* said the Government must somehow retreat from an untenable position:

Whether the matter will be allowed to drop for the present, and so lapse into convenient oblivion; or whether a convenient order will arrive from the Secretary of State, recommending that . . . the Bill is not to be further proceeded with; or whether the Viceroy will have the manly frankness to acknowledge that the proposed change was not warranted by the convictions of the European community, it is certain that somehow or other the matter must be shelved. We should be sorry . . . to suppose it possible that he and his supporters (and it believed that they form but a bare majority of the Council) intend to persist in a course which every European of experience in the country emphatically condemns.<sup>220</sup>

Two days later, the *Pioneer* warned that no sane government could ignore the general sentiment of the community, nor Ripon

place himself in "permanent and irreconcilable hostility" to the entire non-official class of Europeans and many of his own officials. Ripon has listened too credulously to "the glib compliments of servile panegyrists," who have kept him "in a fool's paradise of adulation."<sup>221</sup> Cheekier still, the *Indian Daily News* said the agitation has shown Ripon's governance of India to be a failure and questioned "the advisability of His Lordship's continuing in power."<sup>222</sup> Having thus shown Ripon the error of his ways, the Anglo-Indian community awaited the March 9 meeting, at which he was expected to mend them.

But the Viceroy was not easily intimidated (the views of the *Madras Mail* and later historians notwithstanding). He too anticipated the meeting—as the long-sought opportunity for the Government to explain the Bill and defend its actions.<sup>223</sup> He knew there were dissenters in his official family; Rivers Thompson disliked the Bill, but was not expected to oppose the Government in public.<sup>224</sup> At an Executive Council meeting on March 8, Theodore Hope and Bayley (the planters' friend) favored withdrawing the Bill, but the majority felt it could not withdraw it in the face of such threats and approved its submission to the local governments for their opinions before further action.<sup>225</sup> Kimberley, consulted by cable, approved the majority position while admonishing Ripon: "You will no doubt use conciliatory language in the discussion tomorrow."<sup>226</sup>

One change had occurred in the Council personnel since the February meeting. With the expiration of Jotindra Mohan Tagore's term, Ripon had appointed Kristo Das Pal as the new representative (unofficially) of the Bengal *zamindars*.<sup>227</sup> This might have seemed logical, since Pal was Secretary of the *zamindar*-dominated British Indian Association and editor of the *Hindoo Patriot*, but it was in fact a sharp departure from the pattern of appointments (*supra*, pp. 16, 19). Pal was neither wealthy nor aristocratic, but a man from a poor trading family who had attained education and position by ability and hard work.<sup>228</sup> Although serving as spokesman for the *zamindars*, he was himself a member of the new Westernized middle class, the first such to reach the Council.

Both Ripon and his opponents looked forward to the Council meeting; at its conclusion, both must have been disappointed. Ripon did not withdraw the Bill, as his antagonists had

apparently expected, but instead defended it forthrightly. On the other hand, there were some unexpected defections from the Government camp. Opponents of the Bill attacked it boldly and eloquently, while some of its defenders sounded lukewarm and even reticent. However, it was that meeting which produced the first confrontation of the clashing arguments, as members with a wide range of backgrounds presented a wide range of viewpoints.

Pal, the first Indian to speak, called the Bill "a legitimate and logical development of the progressive policy which characterizes British rule" and its principle "sound, just and righteous."<sup>229</sup> Durga Charan Laha, also supporting the Bill, called fears of a failure of justice 'wholly groundless' and a slur on Indian gentlemen who pass the same examinations and perform the same duties as their brother Civilians.<sup>230</sup> Syed Ahmed Khan gave more extensive and thoughtful reasons for his support: Indian officials judge civil cases with "probity, justice, and absence of race bias;" they hear criminal cases in which Europeans are complainants; they sit in Presidency towns and on High Courts without difficulty. Natives judge Europeans in Ceylon without frightening away coffee planters there, "and the people of Ceylon are in no sense less Asiatic than those of India."<sup>231</sup> He stated:

So long as the law is just, impartial, and humane; so long as the proper administration of that law can be secured, the nationality of those who carry out the law should be of no consequence even to sentimentalists. What requires respect, submission and obedience is the authority of the law, and not that of individuals. . .<sup>232</sup>

The surprise came from Raja Siva Prasad, especially as he began by calling the Bill "the grandest concession to India" and the Anglo-Indian fears racist and absurd. But he then stated that the Anglo-Indian privilege was highly valued and harmed no one, and ending it would be impolitic and inexpedient. The Raja said he knew he would be called a traitor to his country, that his head favors the Bill, "but my heart—a true heart of a true Native, labouring under a sense of deep obligation and sincere respect to the British nation for all the

good it has done to my dear country—is against it.”<sup>233</sup>

Nothing unexpected came in the speeches of the nonofficial Europeans, Robert Miller and Griffith Evans. Miller, the businessman, described the damage the Bill would supposedly do to capital investment. European capital is needed in India, he said, but it will never entrust itself to Indian management. European management is necessary, but it is spread thinly, and in a land where false accusations are commonplace. He continued:

. . . if an European manager is removed from charge of the enterprise . . . at a critical moment and imprisoned on a false accusation, the loss and damage may be overwhelming.

No Native criminal tribunal in the Mufassal can, under these circumstances, command the confidence of our employers. Anything that touches the safety of our European employers in the Mufassal reflects back again on us, and, if it threatens their safety, it deters the inflow of capital. It is said that this is all prejudice. We think it to be fact. . .<sup>234</sup>

Evans, the barrister, recalled that Ilbert, in introducing the Bill, had said that for such a change to be justified, it would have to be necessary, contain elements of durability and stability, and aim at impartial and effective administration of justice. But it would do none of these, he claimed. There is no necessity; no local government has complained of any inconvenience. There is no element of stability or durability, since other “anomalous” privileges are to be retained and Indian newspapers are calling for further changes. As for effective administration of justice, the Bill would disqualify competent European Deputy Magistrates while qualifying ‘statuaries’ and some uncovenanted Indians. Evans denied that a “privilege of the accused” is any sort of slur on the judge. He touched on familiar arguments: the judge who could not understand the accused, the lonely planter and the false witnesses, the general European distrust of Indians. They look upon the Natives, he told the Council, “as men bred in a degrading idolatry, and surrounded from infancy by influences most adverse to truth, uprightness, honour, and every quality which Englishmen most revere. . .”<sup>235</sup>

Unexpected differences appeared when the official legislative members spoke. James W. Quinton endorsed the Bill, but he incorrectly cited the support of the local governments (they had actually favored only the general idea of a change). He considered the Bill a part of the Government's continuing policy of encouraging Indian education and social progress.<sup>236</sup> Herbert J. Reynolds began by saying he favored the principles of the Bill, since a man should be judged by his character and not his color, *but* he questioned the wisdom of pushing the Bill in the face of such opposition. *If* the passions should subside, he would be happy to vote for it.<sup>237</sup> Dr. William Wilson Hunter, the scholar of the Council, said changing conditions in India, such as the rapid growth of transportation and communication facilities, made the precautions of 1872 no longer necessary. He expressed full confidence in Indians who had overcome so many obstacles to earn their appointments through open competition; some, through their study in England, had become “more English in thought and feeling than the Englishmen themselves.”<sup>238</sup> *But* he was not prepared to grant the jurisdiction to any Indians other than the ‘competition wallahs’. Henry S. Thomas, the Madras Civilian, did not equivocate. He denounced the Bill, reiterating Miller’s and Evans’ arguments with even greater passion. Thomas drew an idyllic picture of benevolent European officials living and working among the people whom they judged, sharing their daily joys and sorrows. Britain, which had rescued India from lawlessness and anarchy, was giving it the best justice possible, and this, as Thomas saw it, meant Europeans judging Europeans and carefully selected Indians judging Indians.<sup>239</sup>

Ripon must have been disappointed also by the speeches of most of his Executive Council. Ilbert confined himself to minimizing his personal role in the Bill, explaining the procedures which the Government had followed and citing the safeguards which remained for Europeans.<sup>240</sup> He did not discuss broader questions of policy. Bayley managed to come down on both sides of the question. On the one hand, he called the Bill “just and reasonable” and the jurisdiction powers “the necessary corollary of the admission of Natives to the Civil Service”. The Apprenticeship of eleven or twelve years before high office could be conferred is sufficient guarantee of fitness, honesty,

and practical ability. On the other hand, he said the danger of false charges against isolated Europeans is "very real and very serious," and fears of the Bill's effect, even if unfounded, deserve to be carefully and respectfully considered, he told the Viceroy.<sup>241</sup> General Wilson, the Military Member, recalled that he alone had opposed the Bill entirely from the start, and he opposed it still. But he also denounced the "malicious and scandalous personal attacks" upon his colleagues and the Viceroy.<sup>242</sup> General Stewart, the Commander-in-Chief, accepted the Home Department's assertion that the disabilities should be removed from District Magistrates and Sessions Judges; he was confident that any official who behaved in a "tyrannical or unjust manner" would not hold his office for long. But the General was more upset about the "very wicked and criminal attempts" to excite animosity against the Government within the Army. If this is due to the Bill's reference to Cantonment Magistrates, he said, he has been assured that the Government would continue to appoint Army officers to those positions.<sup>243</sup>

Baring, the Finance Member, on whom Ripon relied for support, said nothing. Neither did Hope, the Public Works Member. The only executive (except Ripon) to defend the Bill entirely, broadly, and unambiguously was Gibbs, the Home Member. The change in the law is necessary for the justice and convenience of all parties, Gibbs said, and it is becoming more pressing each year, as more Indians rise in the ranks. Parliament has set the policy of admitting Indians to the Covenanted Civil Service, he continued, and by doing so "clearly made it manifest, that they should have the same powers as their European *confreres*," which they would not unless the law were changed.<sup>244</sup> The Bill simply would allow local governments to decide questions of convenience and fitness to exercise the powers of Justice of the Peace, he said. Even if *all* local governments were to appoint *all* Indians eligible, that would mean only about twenty in all of India, Gibbs concluded.<sup>245</sup>

The unkindest cut came from Rivers Thompson, on whom Ripon had bestowed the highest office within his appointive power. The Lieutenant-Governor called the Bill unnecessary and inopportune and agreed with Evans that there was no

administrative difficulty. He questioned even more emphatically than Evans the competence of Indians to try Europeans. He wished the Government would withdraw the Bill; if instead it chose to delay it, it should not expect the excitement to subside, "for I feel that, in the whole of my experience in India, this is unmistakably the strongest and most united and unanimous expression of opinion of public discontent that I have ever known, and that the last state will be worse than the first."<sup>246</sup>

Finally, Ripon got his chance. He spoke at length, but about half of his talk was used to explain the origins of the Bill, how cautious the Government had been in proceeding, and how fair he had tried to be to the opposition.<sup>247</sup> The change should be made promptly, he said, as the 'statutories' would soon comprise one-sixth of the Covenanted Service. The inconvenience would then be so great that the need for the change would be irresistible, he said. If the change were made in 1883, the men receiving the powers would be few, carefully watched, and likely to set a good example for those who would follow. The Government was always ready to listen to legitimate arguments, Ripon warned his critics, but never "to violence, to exaggeration, to misrepresentation, and least of all, to menace." The Bill would be sent to the local governments for their views, and he would give their opinions and those of the public "the fullest weight and the most deliberate consideration."<sup>248</sup> But for all of his vaunted fairmindedness and reasonableness, the Viceroy would not retreat:

I frankly say that with those who desire, if such there be, to retain the distinction which this Bill proposes to remove, merely because it is a race distinction, I have no sympathy whatever. To arguments which are inconsistent with the declared policy of the Crown and of Parliament it would be contrary to my duty to listen. . . . I observe that the opponents of this Bill speak of appealing to the House of Commons. I am the last man in the world to object to such a course being taken. To the decision of the House of Commons both parties to this controversy must bow.<sup>249</sup>

To sum up the Council discussion, only seven members

publicly supported the Bill: Ripon, Ilbert, Gibbs, Quinton, Pal, Laha, and Syed Ahmed Khan; six opposed it: Thompson, Wilson, Thomas, Miller, Evans, and Siva Prasad; two wanted a modified Bill, Stewart and Hunter; two were uncertain, Bayley and Reynolds, and two silent, Hope and Baring. Ripon knew that Bayley and Hope opposed the Bill as it stood. Thus, the Government could not have carried that Bill through the Legislative Council. In fact, the Bill had the full support of only three of the eight members of the Executive Council. Ripon, in reporting the outcome to Kimberley the next day, was particularly irked at Thompson and worried about the attitudes shown by the Anglo-Indians.<sup>250</sup>

The papers opposing the Bill never doubted that their side had won the debate easily. They chided the Bill's defenders for their cautions, their reticence, their excuses. The *Englishman* ridiculed the speeches favoring the Bill, which it said had never attempted to meet the arguments against it. "Beyond a reiteration of these stale, insincere, and exploded fallacies," it said, "not the flimsiest shred of reason was adduced to support the Bill."<sup>251</sup> The *Times of India* saw in Ripon's appeal to the House of Commons a shirking of his own responsibility. "No Viceroy has ever in recent times so openly confessed his inability to deal with the situation," it said.<sup>252</sup> The *Pioneer* said the debate should show the Government the unwisdom of proceeding with the Bill. Evans, the 'ablest advocate' in Calcutta, found it agreeable to demolish "the palpable fallacies and tottering logic with which the official apologists endeavoured to defend a desperate position."<sup>253</sup> That paper was especially upset at Quinton's support for the Bill, since he was supposed to represent their North-Western Provinces more or less.<sup>254</sup> According to the *Pioneer's* Calcutta correspondent, the reference of the Bill to the local governments was actually intended as a convenient trapdoor for disposing of it.<sup>255</sup>

The *Statesman*, on its lonely perch, reiterated some arguments in favor of the Bill and saw in the debate proof that the Bill could not be defeated:

by empty declamation, vulgar abuse, or even threatened mutiny. The people who have been thinking that by mere howling and menace they would terrorise the Government,

must have been astonished to discover that Lord Ripon is not frightened, and that the various members of the Government are as calm as if there had been no Babel of abuse.<sup>256</sup>

There was no use abandoning the Bill just to avoid stirring up angry passions, it said. They had already been stirred.<sup>257</sup>

The Indian newspapers now had a new set of villains to assail. The Bengali papers turned their attention from Branson to Thompson, accusing the Lieutenant-Governor of racism, partiality, and timidity.<sup>258</sup> The *Hindu* suffered “extreme pain and regret” on reading Thomas’s speech, as he was supposed to represent Madras. It published a point-by-point rebuttal and even dredged up old accusations of his “illiberal views and overbearing conduct” as a District Officer in Tanjore years earlier.<sup>259</sup> In the North-Western Provinces, it was Raja Siva Prasad of Benares who received these special courtesies; he was depicted as a traitor and obsequious flatterer.<sup>260</sup>

“Many vernacular papers of this week condemn the opposition of Europeans. . .as quite unjustifiable, ascribe the opposition to mere pride of race, and support the measure,” wrote the official translator for the newspapers of Upper India on March 15.<sup>261</sup> Elsewhere in India, too, more newspapers were caught up in the fray; during this particular week, new entrants included an Oriya-language weekly of Puri and a Tamil weekly of Madras.<sup>262</sup> Many praised Ripon for his speech, such as *Oudh Akhbar*, which was confident that the Government would not yield to any opposition arising from prejudice.<sup>263</sup> Tilak’s *Mahratta*, somewhat diffident earlier, became abusive: “The native community has now seen in what light the heaven-born subjects of Her Majesty, sent by the Almighty Jesus in his infinite mercy to rule over us, look upon the poor, black-complexioned Hindu.”<sup>264</sup>

The more substantive arguments of the Indian newspapers after the Council meeting were (1) that effective rule depended less upon force of arms than the goodwill of its subjects. The arms which sustained the *raj*, said *Amrita Bazar Patrika*, were “the naked black arms of 250 millions of the people whom you wish to offend, malign, and keep down. . .”<sup>265</sup> (2) that equal justice required equal courts, and judges who were too

incompetent to try Europeans should not be trying Indians. The *Hindoo Patriot* felt that the duty of the Government was to provide, not the court of the defendant's preference, but the *best* court. "A *dacoit* may like to be tried by *dacoits*," it said, "but would the Government be justified to concede such a request?"<sup>266</sup> (3) That *mufassal* Europeans frequently mistreated Indians but generally escaped punishment, and the purpose of their protest was to preserve this immunity from justice. *Kaiser-i-Hind*, a Bombay Parsi weekly, went beyond generalities. It found twenty-seven cases from the previous years in which, it claimed, Europeans had escaped punishment or received only trifling penalties for *mufassil* crimes.<sup>267</sup> (4) That the Government dare not set a precedent by yielding to threats and clamor. The *Hindu* said a triumph by agitation would set a dangerous example. The Bill could have been abandoned earlier, it continued, since it contained nothing important. "But surely tumult should not be taught to the immense population of India as a means of gaining their objective."<sup>268</sup> On the other hand, some papers, such as *Indu Prakash* and *Rast Gofstar*, urged Indians to support the Bill with meetings and petitions of their own.<sup>269</sup>

European protest meetings continued at a rapid rate: Negapatam on March 10, Cocanada and Ambala on March 12, and the Karachi Chamber of Commerce on about the same date.<sup>270</sup> In Lahore an estimated 500 persons met in Lawrence Hall on March 12, a meeting organised by local business and professional leaders. Chairing it was Stephen W. Wheeler, editor of the *Civil and Military Gazette*, who said Englishmen must not allow their wives and daughters to be arraigned before Indian judges. The usual indignant resolutions were passed, and telegrams of support were read from Multan, Peshawar, Sakkar, Jullundur, Murree, Jhelum, Kangra Valley, Rawalpindi, Ambala, Chamba, and Simla.<sup>271</sup>

In Rangoon an estimated 1,000 Europeans met on March 10 in Ripon Hall (!) to denounce Ripon's Bill.<sup>272</sup> The usual resolutions were presented; one seconder, a Dr. Marks, said he thought the Bill would harm the interests of the church. Then a Mr. Grey, editor of the *Rangoon Gazette*, rose to defend the Bill, but he was groaned down by the audience, including one man with a foghorn. So Grey used the next day's *Gazette*

to carry the remarks he had intended to make, regretting that the Bill's opponents would only listen to violent denunciation: “Having traveled in Burma, Mr. Grey says he never met with anything but courtesy and hospitality, and that to write of the Burmese as possessing a fiendish class-hatred, and being cruel, cowardly, and treacherous, is utterly misleading and untrue.”<sup>273</sup>

The planters of South Coorg found a different method of expressing their hostilities, according to the correspondent of the *Times of India*:

... an effigy of the much-abused Legal Member of the Vice-roy's Council was manufactured of combustable material, and placed in solemn form on its trial, for having betrayed its country. Having been duly adjudged guilty by the unanimous verdict of the empaneled jury of planters, the effigy was mounted on a conspicuous position and burnt, to the evident satisfaction of the planters, whose feelings had been outraged, and to the great glee of the tamasha-loving cooly, who shouted with delight when he saw the image of the friend and champion of his country wrapped in flames.<sup>274</sup>

The angry letters continued in the newspapers. The *Englishman* published ten of them on March 14 alone, filling three whole columns.<sup>275</sup> One writer felt that Ripon was unable to understand the European fears because of his exalted position. He wrote:

Let the Marquis of Ripon forego his trip of pleasure to Simla this year; do away with his rank and with his wife; assume a *nom de plume*; take rooms in any one of our Calcutta boarding houses; engage bearers, kitmutgars, syces, and dhobies; live and do exactly as his fellow Anglo-Indians, and at the end of three short months, let us see if the Marquis hold the same opinion he now does, as regards the moral nature of his beloved Asiatics!<sup>276</sup>

Some newspapers realized, as had Ripon and Fitzjames Stephen, that broad questions of the nature and future of the British India Empire had suddenly crystallized around this one Bill. The *Englishman* saw the problem as “the growing ascendancy

of Radical theories", and the issues at stake "the complete Indianisation of the administration" (a goblin certain to scare the civilians<sup>277</sup>), the security of European persons and property, and even the continued supremacy of England in India.<sup>278</sup> The *Pioneer* wondered how an administrative system developed so carefully and logically could have produced "a blunder of such magnitude."<sup>279</sup> Perhaps it was not just the personalities but the whole system, with its remote aristocracy, that needed changing. On the other side, the *Indian Mirror* said the agitation should teach Indians the necessity of uniting, of working together to try to become a nation, instead of just a congerie of races.<sup>280</sup> The *Pioneer* said introduction of the Bill had raised Indian aspiration generally, even if Ripon planned no further extension of the jurisdiction: "Already young India has sounded the note of a 'free and united India, ruled by its natives', and indulged in the beatific vision of an approaching time when, 'from the Himalayas to Cape Comorin, a free, educated and united country will cease to be the plunder ground of aliens'."<sup>281</sup>

In this way the Ilbert Bill, which had seemed to its authors so slight and innocuous, had within six weeks upset Europeans and politically-conscious Indians throughout British India and called into question the entire rationale of the Indian Empire. A sharply critical article in a British newspaper had ignited dry tinder in India, where the Anglo-Indian Press, with a few notable exceptions, had hastily formed ranks against the Bill. Protest meetings had been held, first by Calcutta businessmen and Assam tea planters, then by European communities in practically every corner of India, culminating in the abusive mass meeting at Calcutta's Town Hall. In speeches and writings, Europeans had claimed trial by their own countrymen as both an ancient right and a practical necessity, decrying not only the competence but the honesty, impartiality, probity and even the upbringing of Indian civil servants. Indians had shown little interest in the Ilbert Bill at first, except for a few newspapers and politicians in Bombay and Calcutta, but to this torrent of abuse they had begun to reply in kind.<sup>282</sup> With each passing week, more joined the battle. Lord Ripon, surprised and hurt by this tumult, had stood his ground, but he had been disappointed by the unexpected defection of some of his offi-

cials and the conditional and half-hearted support of others. More significantly, many Europeans had thought nothing of deriding and insulting the people among whom they lived, who outnumbered them by more than 2,000 to one. It would have been difficult and perhaps dangerous to enact the Bill in the face of such furious opposition, but perhaps even more dangerous to yield to the clamor and withdraw the Bill. The decision could be deferred while the Bill was under consideration by the local governments, but not for long.

## NOTES

<sup>1</sup>See Appendix B for the full text of the Bill and the official statement of objects and reasons.

<sup>2</sup>The British felt that the elaborate administrative and judicial procedures set up by Warren Hastings and Cornwallis were unsuited for newly-annexed or backward areas such as the Punjab, Assam, and tribal areas everywhere. These were exempted from the regulations and governed more freely by mixed civilian-military commissions. H. Verney Lovett, ‘‘District Administration in Bengal, 1818-1858’’, *Cambridge History of India*, VI, 22-23.

<sup>3</sup>Ripon to J K. Cross, Under-Secretary of State, Apr. 9, 1883, *R.P.*, I.S.P., BP 7/3, p. 102.

<sup>4</sup>*Council Proceedings*, XXII, 36-41.

<sup>5</sup>*Ibid.*, pp. 41-42.

<sup>6</sup>*Ibid.*, p. 43.

<sup>7</sup>*Ibid.*

<sup>8</sup>*Ibid.*, p. 44.

<sup>9</sup>For an example of the first, see *Amrita Bazar Patrika* (Calcutta), Feb. 15, 1883, p. 4, which considered the disqualification of Indian uncovenanted magistrates a more important matter. For an example of the second, see the *Pioneer*, Feb. 26, 1883, p. 2. As Fergusson put it, such a limited bill hardly justified the general declaration and showed the inexpediency of arousing great opposition for a limited object. Fergusson to Kimberley, Mar. 16, 1883, *Fergusson Papers*, I.O.L., MSS Eur. E214, p. 343.

<sup>10</sup>India, *Act X of 1882*, ss. 408, 416, 446, 449, 456, and 460.

<sup>11</sup>Ripon to Kimberley, Apr. 13, 1883, *R.P.*, I.S.P., 7/3, pp. 106-107; *infra*, pp. 176. Ripon, in his letters and speeches, rarely failed to remind his audience that Lytton was to blame for the system of statutory appointments.

<sup>12</sup>H. VERNEY LOVETT, *Cambridge History of India*, VI, 359 and 361.

<sup>13</sup>Ripon to Kimberley, Apr. 7, 1883, *R.P.*, I.S.P., BP 7/3, p. 99. *Infra*, p. 81.

<sup>14</sup>Bengal had an estimated twenty or thirty such uncovenanted Europeans. See speech of Evans, *Council Proceedings*, XII, 154.

<sup>15</sup>Speech of Thomas, *ibid.*, p. 172; *Englishman*, May 2, 1883, p. 2.

<sup>16</sup>WILLIAM WILSON HUNTER, *Bombay, 1885 to 1890, A Study in Indian Administration* (London, 1892), p. 410.

<sup>17</sup>Confidential Note of July 25, 1883, *R.P.*, Add. MSS 43583, pp. 65-76.

<sup>18</sup>Ripon to First Earl of Kimberley, Feb. 3, 1883, *R.P.*, I.S.P., BP 7/3, p. 40.

<sup>19</sup>Holland, I, 234.

<sup>20</sup>L.C. SANDERS, “John Wodehouse”, *Dictionary of National Biography, Second Supplement*, Sir SYDNEY LEE, ed. (London, 1912), III, 695-98.

<sup>21</sup>Ilbert to Bryce, Mar. 12, 1883, *Bryce Papers* (Letters, etc., of James, Viscount Bryce of Dechmont), Bodleian Library, Oxford; S.N. Singh, pp. 50-51.

<sup>22</sup>R.N.P., Bombay, 1883, week ending Feb. 10. p. 8. For descriptions of the newspapers, see *supra*, pp. 21-22, and *infra*, Appendix A.

<sup>23</sup>R.N.P., Bengal, 1883, p. 58. (The Bengal and Upper India reports had continuous pagination for the entire year, while Bombay began it afresh each week and Madras each month.)

<sup>24</sup>P. 64. A more negative reaction was that of *Amrita Bazar Patrika*, *supra*, p. 38.

<sup>25</sup>Feb. 5, 1883, p. 2.

<sup>26</sup>Feb. 6, 1883, p. 1.

<sup>27</sup>Feb. 5, 1883, p. 2.

<sup>28</sup>Feb. 5, 1883, p. 2.

<sup>29</sup>Ripon to Northbrook, Feb. 5, 1883, *Northbrook Papers* (hereafter N.P.), I.O.L., MSS Eur C 144, III, 20-22, Ripon was toasted and cheered heartily at the annual dinner of the Calcutta Trades Association on February 6 (*Times of India*, Feb. 7, p. 5). There was no sign then of the personal antipathy which was later displayed in abundance.

<sup>30</sup>WILLIAM DODGSON BOWMAN, *The Story of the Times* (New York, 1931), p. 282.

<sup>31</sup>Sir OWEN TUDOR BURNE, *Memories* (London, 1907), pp. 246-47.

<sup>32</sup>P. 5

<sup>33</sup>*Ibid.*

<sup>34</sup>*Ibid.*, p. 9. “Editorial” is the American term; the British would call it a “leading article” or a “leader”.

<sup>35</sup>Feb. 7, 1883, p. 3.

<sup>36</sup>H.W. MASSINGHAM, *The London Daily Press* (New York, 1892), p. 161.

<sup>37</sup>Feb. 7, 1883, pp. 4-5

<sup>38</sup>*Ibid.*

<sup>39</sup>P. 2. *Pioneer*, May 5 1882, p. 5.

<sup>40</sup>*Ibid.*

<sup>41</sup>P. 5.

<sup>42</sup>Appearing on p. 2, p. 2, p. 3, and p. 1, respectively, of the issues of Feb. 8, 1883.

<sup>43</sup>P. 1.

<sup>44</sup>Feb. 7, p. 2; Feb. 9, p. 3; and Feb. 10, p. 2, respectively.

<sup>45</sup>Feb. 8, p. 5; Feb. 9, p. 3; and Feb. 13, p. 6, respectively.

<sup>46</sup>All materials cited in this paragraph are to be found on page 2 of the specified issues; that was the regular editorial page for the *Englishman*.

<sup>47</sup>Feb. 15, 1883, p. 2.

<sup>48</sup>Letter of “C”, Feb. 21, 1813, p. 2.

<sup>49</sup>Letter of “X”, p. 2. An *anna* was a small coin.

<sup>50</sup>Letter of “Ahmaq”, Feb. 17, 1883, p. 2.

<sup>51</sup>Letter of “European”, Feb. 17, 1883, p. 2.

<sup>52</sup>Letter of “FWS”, Feb. 16, 1883, p. 2.

<sup>53</sup>P. 1.

<sup>54</sup>Feb. 15, 1883, p. 2.

<sup>55</sup>*Ibid.* Incidentally, this editorial referred to Europeans in India as being "in their place of exile".

<sup>56</sup>Letter of "Subscriber", Feb. 20, 1883, p. 6.

<sup>57</sup>P. 4.

<sup>58</sup>Feb. 9, 1883, p. 2. According to Ilbert, the change came on orders from its owner, Col. William Nassau Lees, then in England. Ilbert to Bryce, Mar. 11, 1883, *Bryce Papers*.

<sup>59</sup>Feb. 10, 1883, p. 1.

<sup>60</sup>P. 2.

<sup>61</sup>Feb. 8, 1883, p. 2.

<sup>62</sup>P. 2.

<sup>63</sup>*Ibid.*

<sup>64</sup>P. 2.

<sup>65</sup>P. 2.

<sup>66</sup>P. 2.

<sup>67</sup>Feb. 6, 1883, p. 2.

<sup>68</sup>Feb. 13, 1883, p. 2.

<sup>69</sup>Feb. 7, 1883, p. 2. and Feb. 9, 1883, p. 2.

<sup>70</sup>Feb. 14, 1883, p. 2.

<sup>71</sup>Massingham, p. 148.

<sup>72</sup>*Pall Mall Gazette* (London), Feb. 10, 1883, p. 3. Morley retained his generally liberal approach when he became Secretary of State for India a generation later.

<sup>73</sup>*Hindustani* (Lucknow), quoted in *R.N.P.*, North-Western provinces, 1883, p. 123; *Burdwan Sanjivani*, quoted in *R.N.P.*, Bengal, 1883, p. 65; *Benares Gazette*, quoted in *R.N.P.*, North-Western provinces, 1883, p. 147; *Maharatta* (Poona), p. 1; *Bharat Mihir* (Mymensingh), quoted in *R.N.P.*, Bengal, 1883, p. 73; and *Akhbar-i-Am* (Lahore), quoted in *R.N.P.*, North-Western Provinces, 1883, p. 164.

<sup>74</sup>Feb. 10, 1883, p. 66.

<sup>75</sup>P. 88.

<sup>76</sup>*Bombay Samachar*, quoted in *R.N.P.*, Bombay, 1883, week ending Feb. 10, p. 9. For additional papers supporting each of these arguments, see *R.N.P.* of the appropriate week from the various provinces.

<sup>77</sup>Quoted in *Times of India*, Feb. 19, 1883, p. 3.

<sup>78</sup>*R.N.P.*, Bombay, 1883, week ending Feb. 24, p. 12.

<sup>79</sup>Quoted in *Times of India*, Feb. 19, 1883, p. 3.

<sup>80</sup>Ripon to Kimberley, Feb. 10, 1883, *R.P.*, I.S.P., BP 7/3, p. 52.

<sup>81</sup>Ripon to Northbrook, March 5, 1883, *N.P.*, III, 40-42.

<sup>82</sup>*Ibid.*, Feb. 20, 1883, *ibid.*, pp. 26-31. *supra*, p. 7.

<sup>83</sup>Ripon to Kimberley, Feb. 17, 1883, *R.P.*, I.S.P., BP 7/3, p. 60.

<sup>84</sup>Ilbert to Ripon, Feb. 18, 1883, *ibid.*, BP 7/6 (vol. I of 1883), pp. 114-15.

<sup>85</sup>*Ibid.*

<sup>86</sup>Ripon to Ilbert, Feb. 18, 1883, *ibid.*, p. 55.

<sup>87</sup>Evans to Ripon, Feb. 20, 1883, *ibid.*, p. 128.

<sup>88</sup>*Pioneer*, Feb. 28, 1883, p. 5. The *Times of India* called Hudson “the recognized mouthpiece of the Behar planters.” Aug. 28, 1883, p. 5.

<sup>89</sup>*Pioneer*, Feb. 9, 1883, p. 3.

<sup>90</sup>Great Britain, *Hansard’s Parliamentary Debates* (hereafter *Hansard*), 3rd series, vol. CCLXXVI, cols. 304-305.

<sup>91</sup>Feb. 21, 1883, p. 2.

<sup>92</sup>*Council Proceedings*, XXII, 223; Ripon to Evans, Feb. 20, 1883, R.P., I.S.P., BP 7/6 (vol. I of 1883), p. 58.

<sup>93</sup>*Statesman*, Feb. 22, 1883, p. 3.

<sup>94</sup>The petition was included in the published *Report of the Committee of the Bengal Chamber of Commerce* (Calcutta, 1884).

<sup>95</sup>The Bombay Chamber, on the other hand, had unique problems, as will be seen.

<sup>96</sup>He is not to be confused with Calcutta’s Alexander Mackenzie, Secretary for the Home Department of the Government of India, who played a very different if equally prominent role (*supra*, pp. 26-27).

<sup>97</sup>*Madras Mail*, Feb. 24, 1883, p. 2.

<sup>98</sup>Mackenzie was mistaken here. A complaint could be filed with any magistrate, but the summons or warrant issued was answerable only before a magistrate with jurisdiction. India, *Act X of 1882*, s. 445.

<sup>99</sup>*Madras Mail*, Feb. 24, 1883, p. 2.

<sup>100</sup>If the *Reports on Native Papers* are reliable, none of the vernacular papers of South India noticed the Bill before March 15. However, according to those reports, very little that was worthy of note appeared in the “native papers” during those years. The Indian Press was late developing in the South, but a part of the gap between the Madras reports and those of other provinces may have been in the diligence and energy of the official reporters.

<sup>101</sup>P. 71. (The *Hindu* numbered its pages consecutively throughout a year).

<sup>102</sup>Mar. 1, 1883, p. 83.

<sup>103</sup>*Ibid.*

<sup>104</sup>*Ibid.*, pp. 84-86.

<sup>105</sup>Quoted in *Madras Mail*, Mar. 1, 1883, p. 2.

<sup>106</sup>*Englishman*, Mar. 5, 1883, p. 3.

<sup>107</sup>*Englishman*, Feb. 22, 1883, p. 2.

<sup>108</sup>*Labour Immigration Report for 1883*, p. 2.

<sup>109</sup>Concluded from listings in the *Bengal Directory*, 1883, pp. 868-887, and data in *Labour Immigration Report for 1883*, pp. 6 and 16, which give the labour force as 37, 116 persons.

<sup>110</sup>Letter of “J.W.H.J.”, *Englishman*, Mar. 12, 1883, p. 3. See also BAIRDON, pp. 147-49.

<sup>111</sup>*Labour Immigration Report for 1882*, pp. 6, 15, and 16.

<sup>112</sup>India, *Act I of 1882* (Inland Emigration Act), s. 172.

<sup>113</sup>BAIRDON, p. 177.

<sup>114</sup>*Labour Immigration Report for 1882*, pp. 34 and 37.

<sup>115</sup>*Ibid.*, 1883, p. 9.

<sup>116</sup>Wilfred S. Blunt said a planter told him that with Indian magistrates, they (the planters) would be constantly run in for assault. *Ideas About India* (London, 1885), pp. 63-64.

<sup>117</sup>*Englishman*, Feb. 26, 1883, p. 2, and Feb. 27, 1883, p. 2.

<sup>118</sup>*Ibid.*, Feb. 26, 1883, p. 2.

<sup>119</sup>*Ibid.*, Feb. 27, 1883, p. 2; Mar. 1, 1883, p. 3; Mar. 6, 1883, p. 3; *Madras Mail*, Mar. 5, 1883, p. 3.

<sup>120</sup>*Englishman*, Feb. 26, 1883, p. 2, and Mar. 1, 1883, p. 2.

<sup>121</sup>*Ibid.*, Mar. 1, 1883, p. 2.

<sup>122</sup>*Ibid.*; *Pioneer*, Mar. 3, 1883, p. 4.

<sup>123</sup>P. 4.

<sup>124</sup>*Ibid.*, pp. 4, 6. However, the law actually provided for a transfer of a case to a higher court if the judge or magistrate felt an appropriate sentence might exceed his powers, so that a lighter sentence for Europeans due to limited powers was not necessary.

<sup>125</sup>Feb. 26, 1883, pp. 2-3.

<sup>126</sup>Feb. 18, 1883, p. 5, and Feb. 28, 1883, p. 4.

<sup>127</sup>Feb. 28, 1883, p. 4.

<sup>128</sup>Feb. 28, 1883, p. 2.

<sup>129</sup>Feb. 23, 1883 p. 1.

<sup>130</sup>Feb. 26, 1883, p. 2. For a discussion of the importance of "sturdy manliness" in the Victorian ethic, see WALTER E. HOUGHTON, *The Victorian Frame of Mind, 1830-1870* (New Haven, 1957), pp. 196 and 201-202, or ESME WINGFIELD-STRATFORD, *Those Earnest Victorians* (New York, 1930), p. 13.

<sup>131</sup>Feb. 24, 1883, p. 2.

<sup>132</sup>Feb. 27, 1883, p. 2.

<sup>133</sup>Feb. 28, 1883, p. 3.

<sup>134</sup>Letter of 'Pleader', *Civil and Military Gazette*, Feb. 28, 1883, p. 2.

<sup>135</sup>Letter of 'A European British Subject', *Englishman*, Feb. 26, 1883, p. 2.

<sup>136</sup>Letter of 'Briton', *Englishman*, Feb. 23, 1883, p. 2. The editor replied, however, that with native demands rising, the Government might soon need the support of the Volunteers.

<sup>137</sup>Letter of 'Fiat Justitia', *Indian Daily News*, Feb. 28, 1883, p. 2. This would seem to indicate that the prejudice was not based on religious faith *per se*.

<sup>138</sup>Conclusion based on *R.N.P.*, Bengal, 1883, pp. 87-92; Bombay, 1883, week ending Mar. 3, pp. 13-19; and North-Western Provinces, 1883, pp. 165, 183-85.

<sup>139</sup>Feb. 26, 1883, p. 100.

<sup>140</sup>*Mihr-i-Nimroz* (Bijnor), Feb. 22, 1883, quoted in *R.N.P.*, North-Western Provinces, 1883, p. 185.

<sup>141</sup>*R.N.P.*, Bengal, 1883, p. 79.

<sup>142</sup>*R.N.P.*, Bombay, 1883, week ending Mar. 3, p. 13; *Pioneer*, Mar. 3, 1883, p. 4.

<sup>143</sup>Ripon to Kimberley, Feb. 24-26, 1883, *R.P.*, I.S.P., BP 7/3 p.

63.

<sup>144</sup>Cross to Ripon, Feb. 16, 1883, *ibid.*, p. 19.

<sup>145</sup>*Hansard*, 3rd series, vol. CCLXXVII, col. 394.

<sup>146</sup>*Ibid.*, cols. 710.

<sup>147</sup>*Ibid.*, cols. 1023-25.

<sup>148</sup>Kimberley to Ripon, Mar. 1, 1883, *R.P.*, I.S.P., BP 7/3, p. 22.

An example of a customary supporter of the Government who opposed the Bill was the weekly *Spectator* (see issue of Feb. 19, 1883, p. 176). The paper was edited at the time by Meredith Townsend, who had run the *Friend of India* in the 1850s and was particularly interested in Indian affairs.

<sup>149</sup>*Times*, Feb. 26, 1883, p. 5. The articles were not signed, but since it has been established that Macgregor was the *Times* correspondent in Calcutta, presumably they were his. (See also Gopal, pp. 151-52.)

<sup>150</sup>*Pioneer*, Mar. 2, 1883, p. 3.

<sup>151</sup>*Ibid.*

<sup>152</sup>*Statesman*, Mar. 1, 1883, supplement, and *Englishman*, Mar. 1, 1883, supplement.

<sup>153</sup>*Statesman*, Mar. 1, 1883, supplement. But as to "one nationality," the *Englishman* noted the presence of continental Europeans, Armenians, and Jews.

<sup>154</sup>*Englishman*, Feb. 24, 1883, p. 1.

<sup>155</sup>*Statesman*, Mar. 1, 1883, supplement.

<sup>156</sup>*Ibid.*, See Appendix C for a fuller account of the Keswick speech. See Appendix D for a parody of it.

<sup>157</sup>*Statesman*, Mar. 1, 1883, supplement. See Appendix C for a fuller account of Branson's speech.

<sup>158</sup>*Statesman*, Mar. 1, 1883, supplement. An account of the Town Hall speeches may also be found in *P.P.*, vol. LX of 1884, c 3952, pp. 9-36. "Baboo" or "Babu" means "master" and is a term of respect for Bengali gentlemen. In British times, however, it became a term of scorn of Bengalis. See COL. HENRY YULE and A.C. BURNELL, *Hobson-Jobson, A Glossary of Colloquial Anglo-Indian Words and Phrases . . .*, 2nd ed. (Delhi, 1968), p. 44. The stereotyped "Babu" was depicted as pompous, oily, and devious, with a comical smattering of the English language and Western ways.

<sup>159</sup>*Bengal Directory*, 1883, p. 980.

<sup>160</sup>*Ibid.*, p. 211.

<sup>161</sup>*Ibid.*, p. 245.

<sup>162</sup>*Statesman*, Mar. 1, 1883, supplement.

<sup>163</sup>*Indian Daily News*, Mar. 1, 1883, supplement.

<sup>164</sup>Mar. 2, 1883, p. 2.

<sup>165</sup>Mar. 6, 1883, p. 1.

<sup>166</sup>Mar. 5, 1883, p. 2.

<sup>167</sup>*Ibid.*

<sup>168</sup>Mar. 21, 1883 p. 2.

<sup>169</sup>Quoted in *Hindu*, Mar. 22, 1883, p. 116. See also *Bombay Gazette*, Mar. 5, 1883, p. 3, for a further word on the aborted counter-demonstration.

<sup>170</sup>Mar. 5, 1883, p. 111.

<sup>171</sup>Mar. 8, 1883, p. 94.

<sup>172</sup>R.N.P., North-Western Provinces, 1883, p. 208.

<sup>173</sup>Ibid., Bombay, 1883, week ending Mar. 12, p. 14.

<sup>174</sup>Ibid., p. 15.

<sup>175</sup>Ibid., Bengal, 1883, p. 100.

<sup>176</sup>Ibid., p. 101.

<sup>177</sup>Mar. 4, 1883, p. 2. But it said, European magistrates have not always been so impartial, and the "alliance" between the Covenanted Service and the planters is well-known.

<sup>178</sup>R.N.P., Bombay, 1883, week ending Mar. 10, p. 19.

<sup>179</sup>Mar. 4, 1883, p. 132.

<sup>180</sup>Mar. 8, 1883, p. 5.

<sup>181</sup>Ibid.

<sup>182</sup>Mar. 3, 1883, pp. 104-105.

<sup>183</sup>Letter of "A Well-Wisher of the State", *Englishman*, Mar. 5, 1883, p. 2.

<sup>184</sup>*Englishman*, Mar. 7, 1883, p. 2.

<sup>185</sup>*Times*, Mar. 7, 1883, p. 5. One, for example, said it would be difficult to control the men if one of their comrades were imprisoned by a native judge. *Englishman*, Mar. 7, 1883 p. 2.

<sup>186</sup>Great Britain, India Council, *Judicial and Public Papers*, vol. 94, no. 519, Mar. 7, 1883.

<sup>187</sup>Stewart to Ripon, Mar. 8, 1883, R.P., I.S.P., BP 7/6 (vol. I of 1883), p. 154.

<sup>188</sup>SIR WILLIAM WEDDERBURN, *Allan Octavian Hume, CB* (London, 1930), p. 50-52.

<sup>189</sup>Wedderburn thought so, as did Amvika Charan Mazumdar (*Indian National Evolution* (Madras 1917), pp. 46-47). However, Briton Martin, Jr. (*New India*, 1885 [Berkeley, 1969], p. 70) thought Hume was seeking participation in local self-government and not political organization. In any case, the famous letter was written in the throes of the Ilbert Bill agitation. For further developments, see *Infra*, p. 284.

<sup>190</sup>Ripon to Hughes, Mar. 6, 1883, R.P., I.S.P., BP 7/5, pp. 44ff.

<sup>191</sup>Ripon to Kimberley, Mar. 4, 1883, *ibid.*, BP 7/3, pp. 65ff.

<sup>192</sup>*Ibid.* Baring later wrote that even if there had been no Jurisdiction Bill, the Government could not long have avoided a showdown with the Anglo-Indians. *Statesman*. Dec. 8, 1883, p. 2.

<sup>193</sup>Ripon to Forster, Mar. 6, 1883, R.P., I.S.P., BP 7/5, p. 43.

<sup>194</sup>*Times*, Mar. 1, 1883, p. 8.

<sup>195</sup>LESLIE STEPHEN, *The Life of Sir James Fitzjames Stephen* (New York, 1895), pp. 308-311; ERIC STOKES, *The English Utilitarians and India* (Oxford, 1959), pp. 273-74.

<sup>196</sup>Stephen to Lady Grant Duff, Sept. 13, 1883, *Stephen Papers*, University Library, Cambridge, Add. 7349(c)/13. See also Leslie

Stephen, p. 461, and Stokes, p. 288. Stokes discusses Stephen's ideas at length (pp. 273-305). Stephen's prior dislike of Ripon may be seen in his letter to Grant Duff of Nov. 30, 1882, *Stephen Papers*.

<sup>197</sup>*Times*, Mar. 1, 1883, p. 8. Stephen further expounded his views on the need to rule India by benevolent despotism in "Foundations of Government in India," *Nineteenth Century*, vol. LXXX (Oct., 1883); see esp. p. 566.

<sup>198</sup>Letter of "Vi et Armis", *Englishman*, Mar. 5, 1883, p. 2.

<sup>199</sup>Letter of "T. McG.", *Pioneer*, Mar. 1, 1883, p. 5. Another extreme example is the letter signed "Official", in the *Madras Mail*. Mar. 1, 1883, p. 2. It reads, in part:

... We have white-washed our Hindu brethren, and educated him, and petted him, and asked him to tea. We have neglected the mean white for him. We have given him self-government and a native Civil Service, and tried to make him like us. Have we succeeded? No—a thousand times no. His education has only taught him how to hate us, self-government will only teach him to long for more. The picture of Tommy Atkins, still worse, of Mrs. Tommy Atkins, dragged by native police before a native Magistrate, sworn against by a troop of four-anna witnesses, bewildered, insulted, outraged, and convicted in a language she does not know, does not represent the order of things that the conquerors of Delhi fought to achieve. And it is a picture that rouses the greatest of us to fury.

<sup>200</sup>*Bombay Gazette*, Mar. 2, 1883, p. 2. Professor Wordsworth was a great-nephew of the poet.

<sup>201</sup>*Times of India*, Mar. 6 1883, p. 5

<sup>202</sup>*Ibid.*

<sup>203</sup>*Statesman*, Mar. 9, 1883, p. 3.

<sup>204</sup>Mar. 9, 1883, p. 2. However, on March 14 it published two letters opposing the Bill, purportedly from Indians who had somehow received enough standing to be heard.

<sup>205</sup>Mar. 5, 1883, p. 114.

<sup>206</sup>*Englishman*, Mar. 3. 1882, p. 2; Mar. 5, 1883, p. 2; Mar. 6, 1883, p. 2; Mar. 9, 1883, p. 3; *Pioneer*, Mar. 12, 1883, p. 5.

<sup>207</sup>*Englishman*, Mar. 6, 1883, p. 3; *P.P.*, vol. LX of 1884, c-3877, p. 459.

<sup>208</sup>*Englishman*, Mar. 6, 1883, supplement.

<sup>209</sup>*Ibid.*, Mar. 9, 1883, p. 2.

<sup>210</sup>*Madras Mail*, Mar. 13, 1883, p. 3.

<sup>211</sup>*Ibid.*, Mar. 10, 1883, p. 3.

<sup>212</sup>*Englishman*, Mar. 8, 1883, p. 3.

<sup>213</sup>*Pioneer*, Mar. 8, 1883, p. 6.

<sup>214</sup>*Ibid.*

<sup>215</sup>*Englishman*, Mar. 9, 1883, p. 1. This is not to be confused with the Eurasian and Anglo-Indian Association of the Rev. H. Finter, already in existence.

<sup>216</sup>Mar. 1, 1883, p. 2. A less partial observer might have seen substantial courage and strength of conviction in the inopportune conversion to an unpopular religion.

<sup>217</sup>Mar. 3, 1883, p. 4.

<sup>218</sup>Mar. 5, 1883, p. 9.

<sup>219</sup>*Ibid.*

<sup>220</sup>Mar. 5, 1883, p. 2.

<sup>221</sup>Mar. 7, 1883, p. 2.

<sup>222</sup>Mar. 3, 1883, p. 2. It reasoned that Europeans would never again trust him, while Natives would not rally to him because they did not understand him and would not quarrel seriously with the Europeans.

<sup>223</sup>He said so at the meeting. *Council Proceedings*, XXII, 222.

<sup>224</sup>Ripon to Kimberley, Mar. 4, 1883, *N.P.*, III, 44/9.

<sup>225</sup>*Judicial and Public Papers*, vol. XCIV, no. 519.

<sup>226</sup>*Ibid.* Such a stricture to a man like Ripon, apart from its impertinence, was indicative of the Home Government on the subject.

<sup>227</sup>BUCKLAND, *Dictionary of Indian Biography*, pp. 326-27.

<sup>228</sup>RAM GOPAL SANYAL, *The Life of Hon'ble Rai Kristo Das Pal, Bahadur, CIE* (Calcutta, 1866), pp. 32-48 *passim*; n.a., *Kristo Das Pal, A Sketch History of His Life and Career* (Madras, ca. 1925), pp. 2-18 *passim*.

<sup>229</sup>*Council Proceedings*, XXII, 141.

<sup>230</sup>*Ibid.*, pp. 180-81.

<sup>231</sup>*Ibid.*, pp. 183-85.

<sup>232</sup>*Ibid.*, p. 185. Syed Ahmed is best remembered as a champion of the Muslim community and its betterment, but on the issue of the Ilbert Bill he joined Hindu Council members wholeheartedly in its defense. Although the Syed's knowledge of English was poor, there is nothing in the official record to indicate that his speech was in any other language, or that anyone else delivered it for him.

<sup>233</sup>*Ibid.*, pp. 199-205.

<sup>234</sup>*Ibid.*, pp. 144-45.

<sup>235</sup>*Ibid.*, pp. 147-160.

<sup>236</sup>*Ibid.*, pp. 137-39.

<sup>237</sup>*Ibid.*, pp. 178-180.

<sup>238</sup>*Ibid.*, pp. 193, 196-97.

<sup>239</sup>*Ibid.*, pp. 163-171.

<sup>240</sup>*Ibid.*, pp. 132-37.

<sup>241</sup>*Ibid.*, pp. 206-208. Bayley's biographer said that while he had no sympathy with the virulent abuse of Indians, he felt he had to take a dispassionate and practical view of the matter. RAJ JOGESHUR MITRA, *Biography of Sir Steuart Bayley, KCSI* (Calcutta 1891), p. 50.

<sup>242</sup>*Council Proceedings*, XXII, 209-211.

<sup>243</sup>*Ibid.*, pp. 218-220.

<sup>244</sup>*Ibid.*, pp. 212-13.

<sup>245</sup>*Ibid.*, pp. 215-16.

<sup>246</sup>*Ibid.*, pp. 220-21.

<sup>247</sup>*Ibid.*, pp. 222-28.

<sup>248</sup>*Ibid.*, pp. 230-34. The Bill's opponents later claimed that Ripon had promised that he would abide by those opinions. According to the record, this was not so.

<sup>249</sup>*Ibid.*, pp. 234-35.

<sup>250</sup>Ripon to Kimberley, Mar. 10, 1883, *R.P.*, I.S.P., BP 7/3, pp. 78-79.

<sup>251</sup>Mar. 13, 1883, pp. 2, 3.

<sup>252</sup>Mar. 12 1883, p. 4. See also *Times of India*, March 14, 1883, p. 6.

<sup>253</sup>Mar. 14, 1883, p. 2.

<sup>254</sup>Mar. 12, 1883, p.1

<sup>255</sup>Mar. 13, 1883, p. 4.

<sup>256</sup>Mar. 12, 1883, p. 2.

<sup>257</sup>*Ibid.*, Mar., 13, 1883, p. 2.

<sup>258</sup>Four examples were *Navavibhakar* (Calcutta), Mar. 13, 1883; *Sulabha Samachar* (Calcutta), Mar. 17, 1883; *Dacca Prakash*, Mar. 18, 1883, and *Sahachar* (Calcutta), Mar. 21, 1883, quoted in *R.N.P.*, Bengal, 1883, pp. 113, 121, 122, and 126.

<sup>259</sup>Mar. 22, 1883, p. 112, and Mar. 29, 1813, p. 124. (But the *Hindu* also criticized Thompson and Siva Prasad, thus taking an all-India view.)

<sup>260</sup>Three examples were *Hindustani*, Mar. 15, 1883; *Almorah Akhbar*, Mar. 19, 1883, and *Bharat Bandhu* (Aligarh), Mar. 23, 1883, quoted in *R.N.P.*, North-Western Provinces, 1883, pp. 230, 268, and 270.

<sup>261</sup>*Ibid.*, p. 229.

<sup>262</sup>*Purusotam Patrika*, Mar. 19, 1883, quoted in *R.N.P.*, Bengal, 1883, p. 156, and *Swadesamitran*, Mar. 11, 1883 quoted in *R.N.P.*, Madras, 1883, March, p. 3.

<sup>263</sup>*R.N.P.*, North-Western Provinces, 1883, p. 229.

<sup>264</sup>Quoted in *R. N.P.*, Bombay, 1883, week ending Mar. 17, p. 22.

<sup>265</sup>Mar. 22, 1883, p. 4.

<sup>266</sup>Mar. 12, 1883, p. 123. A *dacoit* is a bandit.

<sup>267</sup>*R.N.P.*, Bombay, 1883, week ending Mar. 24, p. 15, and week ending Apr. 7, p. 19.

<sup>268</sup>Mar. 15, 1883, p. 106.

<sup>269</sup>*R.N.P.*, Bombay, 1883, week ending Mar. 17, p. 12, and week ending Mar. 24, pp. 6-8.

<sup>270</sup>*Madras Mail*, Mar. 12, 1883, p. 3; *ibid.*, Mar. 13, 1883, p. 3; *Pioneer*, Mar. 14, 1883, p. 4; *Bombay Gazette*, Mar. 15, 1883, p. 5.

<sup>271</sup>Combined from accounts of the *Times of India*, Mar. 13, 1883, p. 5; *Bombay Gazette*, Mar. 14, 1883, p. 3; *Englishman*, Mar. 14, 1883, p. 3, and *Pioneer*, March 14, 1883, p. 4.

<sup>272</sup>*Englishman*, Mar. 12, 1883, p. 2,

<sup>273</sup>*Pioneer*, Mar. 13, 1883, p. 5, and Mar. 14, 1883, p. 4.

<sup>274</sup>Mar. 22, 1883, p. 5.

<sup>275</sup>One of these, signed 'No Surrender', ended:

"For in spite of all temptations  
To belong to other nations,

He remains an Englishman."

The letter writer apparently did not realize that these well-known lines from "H.M.S. Pinafore" were intended to mock just the sort of chauvinism he was expressing.

<sup>276</sup>Letter of "C", p. 2.

<sup>277</sup>*Ibid.*, Mar. 12, 1883, p. 3. BRADFORD BROOKS SPANGENBERG, *Status and Policy: Character of the Covenanted Civil Service of India* (Duke University dissertation, 1967), pp. 335 and 404, portrays the Civilians as zealously guarding their privileged position.

<sup>278</sup>Mar. 12, 1883, p. 3.

<sup>279</sup>Mar. 10, 1883, p. 2.

<sup>280</sup>Mar. 10, 1883, p. 2.

<sup>281</sup>Mar. 14, 1883, p. 2.

<sup>282</sup>Hume made the same general observation. See his letter of May 15, 1883, in the *Daily News* (London).

# 3

## The Campaign Against The Bill

### 1. Ripon In Distress

LORD RIPON left Calcutta for Simla, the Government's summer headquarters, in the Himalayas, on March 12, a discouraged and disappointed man. He admitted it in a letter of the 19th, and said:

I knew of course that there were many Englishmen, and I am afraid many Englishwomen, who thought and spoke in private of the natives with contempt and dislike; but I imagined that in these days most men if they entertained such sentiments would be more anxious to conceal them in public than to avow them, and it is with no slight sense of shame that I have read the language used recently at public meetings and in the Press. I feel keenly all the mischief that it will do; and it is a deep grief to me that I should in a way have a hand in calling forth the display of feeling so discreditable to my countrymen. . . .<sup>1</sup>

The Bill, he admitted, had been a great mistake. Writing to Gladstone, he called it "an error in tactics" and apologized for any trouble or annoyance that it might cause the Prime Minister.<sup>2</sup> He even considered resigning and discussed it with Hume, who apparently advised him against it.<sup>3</sup> (Hume was supposedly in contact with Indian political leaders, and Ripon sometimes sought his advice during this affair.<sup>4</sup>) In fact, Glad-

stone might have been expecting his resignation.<sup>5</sup>

But, distressed as he was, Ripon was not ready to quit, nor to yield on what he saw as a matter of principle. He wrote his friend Hughes that he even saw it as a trial sent by God, who would "help me to bear it, if I accept it as I ought, and will bear me safe through it."<sup>6</sup> It was a conflict between two irreconcilable theories of government, his and Fitzjames Stephen's: "The battle between them must be fought to the end; of the ultimate result, I have no shadow of doubt, but it is impossible to say through what phases the contest may pass, or what may be the fate of individual combatants."<sup>7</sup>

Ripon warned Kimberley that when the local governments filed their opinions, there would be some defections from the support of the year before: Bengal, of course; Bombay, perhaps; Madras, where a Council majority might overrule Grant Duff;<sup>8</sup> Burma, where C.H.T. Crosthwaite, officiating as Chief Commissioner during C.E. Bernard's leave, was reportedly opposed; Assam, where Elliott was seen as 'bending' before the storm, and the North-Western Provinces, where Lyall's support would probably be too limited", and hesitant to be of any use.<sup>9</sup> Even on his own Executive Council, Ripon feared a majority would favor withdrawal of the Bill. General Wilson, he explained, would be joined by Bayley and Hope in any such motion, and perhaps by General Stewart. That would mean a majority of the Council (Gibbs was going home on leave for the summer, so his seat would be vacant). If a Council majority opposed the Bill, he said, "I should not, in my judgment, be justified in overruling them, and I should feel bound to acquiesce in their decision."<sup>10</sup>

Ripon was entirely right about Lyall and Elliott. For each it was a wrenching decision. The agonized Lyall wrote one letter objecting to Ripon's citing him as a supporter of the Bill when he had actually supported a far narrower change.<sup>11</sup> He wrote another supporting the principle of the Bill and regretting "the violent and unreasonable fermentation of the Bengal Europeans."<sup>12</sup> Lyall cautiously favored Ripon's reforms, but he was more worried about stirring up unrest.<sup>13</sup> Privately, he wrote to Rivers Thompson, urging him to try to quiet the demonstrations and perhaps arrange some compromise.<sup>14</sup> To Fitzjames Stephen, he said he must stand by Ripon and try to help the

Government out of its difficulties. He explained:

What I mainly fear is that the violent abuse and unrestrained arrogance of the Anglo-Indian, who is now fairly on rampage, shall end by seriously provoking the Natives. The letters teem with wild invective and insulting domineering attacks against the Native, on whom every railway guard or indigo planter's foreman pretends to trample, as a master upon serfs, with impunity. The political veil which the Government has always thrown over the delicate relations between the two races is rudely rent in twain, and we have a mob shaking their fists in the face of the whole Native population, and behaving in print exactly like a mob.<sup>15</sup>

Elliott, like Lyall, believed in the principle of the Bill; but, like Bayley, he felt it wiser to withdraw the Bill than to force it through over European resistance.<sup>16</sup> He told the Viceroy:

The reasons for opposing the Bill are contemptible; the fact that opposition generally exists is the serious consideration.

. . . Though not a representative government, and bound to lead, rather than follow, I venture to think that the Government of India cannot separate itself from the feelings, or do without the support, of the English community in India. . . . I would wait a few years till they grow wiser, and would not try to lead faster than they will follow.<sup>17</sup>

Such temporizing by men whom he had promoted and trusted must have irked Ripon, but he was still confident of the firm support of Gibbs, Ilbert, and Baring, despite the silence of the last at the Council meeting. Then to his dismay he learned that Baring was to be sent to Egypt as Political Agent and Consul General. "His going away now will undoubtedly tend to weaken the Government at a time when it ought to be strong," the Viceroy wrote.<sup>18</sup>

But Baring's support, too, had been restricted and hesitant. Many years later, he wrote that he had originally initialled the file perfunctorily, without consideration, since it was of no concern to the Finance Department. Then the storm broke, and withdrawal of the Bill would have been politically unwise;

so he supported the Viceroy without any fondness for the Bill.<sup>19</sup> He withheld public endorsement of it until the eve of his departure from India, at an August 28 meeting of the East India Association in Bombay, drawing the scorn of the *Statesman*, which cited this "Parthian shot" as an example of the duplicity of the men around Ripon.<sup>20</sup> "Not one of (the Council) except Ilbert is really in favour of the measure," wrote H.M. Durand, who acted as Ripon's secretary briefly, "which is a useless and mischievous piece of claptrap on behalf of the Bengali Babu."<sup>21</sup>

## 2. Origins of the Campaign

Ripon preferred to believe that the agitation was largely confined to Bengal and Assam; that it was the work of a cabal of Calcutta lawyers, enraged at the Government for private reasons and ready to seize any stick with which to beat it; and that it was then taken up by others for reasons beyond his control, such as the exclusion of European recruits from the Uncovenanted Service.<sup>22</sup> It was easier for him to accept this than to believe that his own modest proposal for Indian judges had stirred such a storm spontaneously. He must have felt gratified, therefore, when a report from Gibbs supported these views. The 'Home Member' explained:

The Bar have been very sore about the reduction in the Judges' pay and Mitter's appointment as Acting Chief Justice, and were only too glad of an opportunity to do the Government an injury if they could; and the idea of an opposition to the Bill was started in the Bar Library by - some English barristers. Communications were entered into with the Englishman Office, and circulars in the shape of letters were sent to the planters and settlers upcountry, suggesting their opposing the Bill, and I fancy putting a strong fanciful case before them. They took the bait and urged their correspondents and agents here to move in the matter, and hence the opposition took firm hold and pros-

pered. The delay between the 2nd and 19th February, when the fiercer opposition broke out, is accounted for by the time it took to communicate with up-country and get replies before the matter could be prominently mooted in Calcutta. Once set off it acquired force by moving, and its climax was reached on 28th February at the Town Hall.<sup>22</sup>

Ripon told Northbrook the report proved the reality of the 'Bar conspiracy' beyond a doubt.<sup>24</sup>

Such a conspiracy would logically have been centered around the Chief Justice, Sir Richard Garth. Sir Richard had indeed been upset by Government policies, and Ripon had expected him to try to cause trouble. The High Courts of India were involved in the political process. Judges were appointed by the Home Government, but at least one-third had to be civil servants of at least ten years' standing<sup>25</sup>. The Government of India customarily polled High Court judges for opinions on pending legislation, just as it did local governments. Garth was an English barrister who had been a Conservative Member of Parliament, and he had been appointed Chief Justice by the Conservatives in 1875. On occasion he publicly disagreed with Government policies.<sup>26</sup> The *Pall Mall Gazette* carried an enigmatic item on March 2:

The outcry against the Native Jurisdiction Bill in India . . . is a curious illustration of the hubbub that may be created by a single individual who is dexterous enough to conceal purely personal motives under the plausible disguise of public interest. Those behind the scene in India, who know the real cause of the alarm, are not a little amused at the success which has attended the attempt of an offended official to wreak vengeance on the Government. That he has been able to do so much mischief arises from his influence over a well-known newspaper correspondent, whose letters are little more than a funnel for the outpouring of his friend's wrath. . . .<sup>27</sup>

Since the correspondent mentioned could only have been the barrister Macgregor, the 'offended official' was most likely

Garth. (But the newspaper never elucidated.)

The pieces seemed to fit together so neatly that receipt of a report to the contrary must have been a distinct surprise. This came from J. Lambert, who, as Officiating General Superintendent of Operations for the Suppression of Thuggee and Dacoity, was head of police intelligence work in Bengal. Lambert found a conspiracy, but not of lawyers. He wrote:

The men at the bottom of the agitation are capitalists, who say they see ruin in front of them if the Bill becomes law. The High Court did not begin the agitation, nor did the Bar. . . . It was begun by residents of Calcutta, who have a great stake in the Mofussil. They saw that what they considered bad justice was to be given to them,—bad justice that would ruin their zemindaris, their tea gardens, their silk factories, their indigo interests, their trade in country products,—all their Mofussil business. Then to make their grievance a general one, they raised the cry of danger to European women, and so the agitation spread. In dealing with the question of the Bill, it should be clearly understood that the agitation was started by the capitalists, not by the politicians, not sentimentalists, not by men who were bent on quarreling with the Government.<sup>28</sup>

It was all 'the breeches-pocket', question'. Lambert said the capitalists would not object to local self-government or to giving Indians important positions, as long as they were not put in positions where they could imprison and ruin the managers of European properties.<sup>29</sup>

On the whole, Lambert's theory appears more probable than Gibbs's. Lambert, as head of police intelligence, presumably had more sources of information than Gibbs. In addition, Lambert was writing later than Gibbs, with access to his views, and writing to refute what he considered to be incorrect. Finally, certain facts fit the Lambert theory better than that of Gibbs: (1) there was no readymade cabal, looking for any available weapon to use against the Government; (2) as has been shown, the agitation sprang up all over British India, not just within the jurisdiction of the Calcutta High Court, and it enveloped practically the entire European community of India;

and (3) while the sentiments expressed were genuine, the agitation was centrally organized and directed by business interests of Calcutta and, to some extent, of London. (For a discussion of this last, see Section 4, *infra*.)

The lack of a readymade cabal is indicated by the events of February 1 through 6 (*supra*, pp. 39-41). A notice of the Bill was published in the *Englishman* of the 1st. The topic was not a strange one, but one known to be volatile. The Council discussion, including Evans's warning, was fully reported in the issue of the 3rd. Yet that paper, which would so soon work itself into a frenzy, had *no* comment whatever in its issues of the 1st through the 5th of February. No newspaper in India (as far as is known) expressed opposition until the 6th. Some papers which later fought the Bill even lent cautious support. Had there been a pre-existing conspiracy, the alarms would likely have sounded immediately. Such a delay is consistent, not with a readymade opposition, but with one which began to crystallize *after* the introduction of the Bill. This sequence is further supported by Griffith Evans's explanation. Evans, who had many connections among the planters, told Ripon's secretary, Henry Primrose, that while the planters had resented the trend of Governmental policies, such as increased employment of Indians in higher positions, they had not felt directly and personally affected and did not organize a protest about it. But the Ilbert Bill was "at once felt by every Anglo-Indian to be a matter which affected himself and his belongings directly," and so it incurred the 'combined resistance' which had not been offered to previous unpopular measures.<sup>30</sup>

It does not appear, from Evans's remarks and the general tenor of the campaign, that the agitation was merely a weapon used against the Government by people unconcerned about the Bill, Gibbs to the contrary notwithstanding.<sup>31</sup> The speeches, the editorials, and especially the letters to the newspapers show genuine fears. The passions were too unruly, the terrors too explicit, the steps taken too drastic for a mere contrivance. The Bill was also seen as the latest and most dangerous manifestation of the Government's 'radical' policies, as well as the most vulnerable; by attacking it, opponents hoped to discredit the overall program. Nonetheless, it was the Bill itself which frightened people, and it was frightened people who organized

the opposition *after* the introduction of the Bill. Whether the capitalists were really "at the bottom of it" or whether others had scared them into it is uncertain; what is certain is that almost all Europeans were quickly infected.

### 3. The Extent of the Campaign

The agitation was not confined to Calcutta, nor Bengal, nor even the Lower Provinces (i.e., present-day eastern India and Bangladesh), despite what Ripon had thought at first. A most explicit warning had come a year earlier from Carmichael, of the Madras Council, who could not possibly have been influenced by the later gripes of the Calcutta judges (*supra*, p. 26). By mid-April, Gibbs had counted 75 towns in which there was evidence of opposition, such as protest meetings or contributions to the Defence Fund. Among them were Lahore, Meerut, Akyab, Delhi, Negapatam, Cocanada, Multan, Peshawar, and Rawalpindi, all remote from the Lower Provinces.<sup>32</sup> Meetings already cited include those of Coorg, Cochin, Jubbalpore, Karachi, and Rangoon. There was scarcely a corner of British India which the agitation had not reached.

"...even here, in quiet, lethargic Madras," wrote the correspondent of the *Pioneer*, "Mr. Ilbert's proposition has aroused in the breasts of . . . Europeans an opposition which is bitter, deep, and enduring."<sup>33</sup> A police official in Bijapur, Edmund C. Cox, later wrote that Europeans there had been keenly excited about the Bill. "I, as every other European I ever met, was dead against the Bill," he said.<sup>34</sup> In the North-Western Provinces, too, "nobody wanted the Bill," according to Durand.<sup>35</sup> In the Punjab, said Judge G.R. Elsmie, the commotion was "very remarkable."<sup>36</sup> The *Civil and Military Gazette* once ran a balanced article, and Rudyard Kipling, then a young reporter and assistant editor, found his paper accused of 'ratting' to hold a Government printing contract.<sup>37</sup> Kipling, writing his autobiography a half-century later, recalled the Ilbert Bill simply as a measure to let the Native Judges try

white women.<sup>38</sup> His writing often echoed the Anglo-Indian argument of the need for firm European authority to run India.<sup>39</sup>

Matters were even worse in Assam. Planters protested by resigning from their local self-government boards in Tezpur, Gauhati, and Sibsagar.<sup>40</sup> Major Henry J. Peet, Deputy Commissioner for distant Lakhimpur, wrote to Elliott:

The feeling here is very strong; I never heard planters talk politics before; but now down to the latest joined assistant they read the papers from beginning to end and talk of hardly anything else but this unhappy Bill. The Volunteers threatened to resign en masse if the Bill be passed, but lately I have noticed the opposite feeling, that the arms will be required sooner or later . . . the race feeling is now far more bitter than it was.<sup>41</sup>

In Calcutta, Gladstone's son, a local businessman, reported that he favored Ripon's policy, but he was not certain he could find three other men who did.<sup>42</sup> Only a few lonely liberals, such as Hume, Wordsworth, and William Riach, the *Statesman's* acting editor, spoke out for the Bill.

Petitions opposing the Bill, to be presented to the Viceroy, the Secretary of State, and Parliament, were left for signatures at the offices of the Defence Association, the *Englishman*, the *Indian Daily News*, the Great Eastern Hotel, Spence's Hotel, and ten company offices around Calcutta.<sup>43</sup> Two petitions sent to Parliament six weeks later contained 11,783 names.<sup>44</sup> By August 7, the total had reportedly reached 15,000 signatures.<sup>45</sup> A separate petition from South India was signed by 2,452 persons, headed by Alexander Mackenzie (of Madras).<sup>46</sup> One from the employees of the East Indian Railway had 1,227 names; one from British Burma, 334; and one from Dibrugarh, 96.<sup>47</sup> A special plea reached Ripon from the ladies of Bihar, with 732 signatures; it said Indians were unfit to judge European women because they were accustomed to a social system which kept women 'ignorant and enslaved'.<sup>48</sup>

The total number of signatures on the above petitions was 19,841. The number of British-born adults in India in 1881 was 81,680, but 59,775 of those were in the Army, Navy, Civil Service, and police.<sup>49</sup> This left only 21,905 potential signatories

among the British. Some of the signatories were undoubtedly India-born Anglo-Indians, Eurasians, continental Europeans, and perhaps even a few Indians (there were 202,920 persons in 1881 whose native language was English),<sup>50</sup> but the collection of so many signatures is an evidence of the overwhelming European sentiment on the subject. The vast majority of communications received by the Government opposed the Bill.<sup>51</sup> Ilbert himself admitted to Ripon in July that "the European population of British India is, with few exceptions, opposed to the Bill."<sup>52</sup>

#### 4. The Direction of the Campaign

The protests against the Ilbert Bill were genuine, widespread, and massive. But there is ample evidence that the campaign was centrally organized, incited, and directed, rather than being spontaneous. The planters, especially the tea planters of Assam, might have seemed the most likely protestors, but even their actions were, to a large extent, manipulated from Calcutta. As early as February 14, the Tea Association of Cachar met after receiving a telegram on the Bill from the Tea Association in Calcutta.<sup>53</sup> The Dibrugarh meeting of the 21st also followed receipt of a telegram from the Tea Association secretary in Calcutta (*supra*, p. 56). The Calcutta Chamber of Commerce, at its meeting of the 21st, actively sought the help of other Chambers and the collection of mass petitions (*supra*, p. 54). Miller told the Calcutta Town Hall meeting that he had received many protest letters from the *mufassil*, which originally had been sent to the Indian Tea Association.<sup>54</sup> The indigo planters of Bihar held coordinated district meetings on March 5 at the request of their association (*supra*, p. 74). The petitions which Parliament received from all over the North-Western Provinces—Mirzapur, Kanpur, Saharanpur, Ghazipur, Agra, Allahabad, Aligarh, Azimgarh, Meerut, Bareilly, Jaunpore, Lucknow—were identical, or so nearly identical that Parliament felt it necessary to publish just one of them.<sup>55</sup> The Allahabad protestors acknowledged their tie with the Calcutta

Chamber of Commerce, which had approved the resolutions presented there (*supra*, p. 74). The *mufassil* protests were, in large measure, incited, coordinated, and even directed by the Calcutta Chamber of Commerce and the tea and indigo associations. The Defence Association, which took over the leadership, was largely the same persons.

The Chambers of Commerce were a logical center of opposition to the Government, especially on matters affecting European business interests. In an India without elective representation, the Chambers were considered the principal organs of European non-official opinion, and their members sat in the several legislatures. One former governor called them "the chief, though not the sole, interpreters of independent opinion to the Government; they raise their voice on many matters fiscal, economic, and financial."<sup>56</sup>

The commercial domination of the European and Anglo-Indian Defence Association (*supra*, p. 75) was obvious. Thirty-six of the forty-eight-man committee were representatives of Calcutta Business houses. Two others, W.H. Pratt and D.J. Zemin, represented the Calcutta Trades Association, and at least two others, E.D.J. Ezra and Elias S. Gubbey (or Guboy) were local merchants.<sup>57</sup> For the first six months its council met in the Chamber of Commerce offices.<sup>58</sup>

The Association held its first general meeting on March 29, and a program was adopted. It was to be a permanent general association, representing the interests of the entire European community (with its commercial interests prominently mentioned), interests allegedly disregarded by recent governmental actions. The 'first and immediate object' was preservation of the right to be tried by European judges. A defense fund of Rs. 300,000 was called for, and subscriptions were invited.<sup>59</sup> Branches were to be set up in every capital in provincial India<sup>60</sup> While Ripon and his colleagues were spending seven months in the distant hills of Simla, the Association was busy organizing and raising funds. An alarmed Lambert, in his 'capitalist' letter (*supra*, p. 105), warned Ripon the group was "very angry and very determined." He wrote:

. . . the Committee is not idle. It is tightening its bands with Madras, Bombay, and the North-Western Provinces. Madras

has its planters, Bombay its mill-owners; North-Western provinces its (sic) produce dealers and planters; Assam its tea gardens; and the support of every European who has property which gives him a stake in the *mufassil* is being secured. Early in August these branches of the League are to be in working order . . . . Take the house of Jardine Skinner: its indigo in Rajshahye and Midnapore; its silk in Rajshahye; its zemindari in Rajshahye; its shell-lac in North-Western Provinces, its tea in Assam. So with other firms. As is their stake, so will they agitate. And all other classes are represented. More money will come in. Large mass meetings will be convened all over the country. . . . Agitation will not cease, and will possibly run into unworthy channels.<sup>61</sup>

Gibbs spoke of warning letters going upcountry to the planters, but he also thought the planters were moving their agents in Calcutta to act (*supra*, p. 104). Actually, the reverse seems to have been true. The minutes of the council of the Defence Association show at least one instance of a protest resolution drafted for the 'guidance' of the *mufassil* branches and another of a dispute over expenses for a local protest meeting, which the council paid.<sup>62</sup> Most of the substantial plantations in India in 1883 were corporate enterprises, and the planters were managers, not owners. One manager who went to India in 1894 found that 99 per cent of the tea estates in north-eastern India were owned by London or Calcutta companies, and that there was little scope for the individual proprietor.<sup>63</sup> Elliott, discussing a particularly outspoken protest meeting in Cachar District, called the participants "small and poor men; there are but few owners; most are managers or assistant managers appointed by the companies."<sup>64</sup> These were not the sort of men to launch a corporate giant such as Jardine, Skinner and Company (the firm Lambert mentioned) into a direct collision with the Government, nor to organize a powerful nationwide campaign. Indigo planters too seem to have been largely dependent on Calcutta agents and banks.<sup>65</sup> The companies controlled the planters, and when the planters held their well-publicized meetings, it was certainly with the acquies-

cence of, perhaps even on orders from, the owners and their agents.

The actual owners, such as the tea companies, were not usually running the operations. Managerial functions, in whole or in part, were generally delegated by the British-based owners to managing agents in Calcutta.<sup>66</sup> Sometimes a separate firm was organized in India, with the managing agent generally having the decisive voice among the directors.<sup>67</sup> These agencies were usually huge multi-faceted organizations such as Jardine, Skinner. Their experience, their expertise, their knowledge of local conditions were invaluable. For example, India's first tea company, the Assam Company, had been organized and controlled in London, with a parallel organization in Calcutta. Quarrels developed, and the Calcutta board was dissolved. The London directors, realizing that they lacked the necessary knowledge, hired the agency house of Schoene, Kilburn and Company in 1867.<sup>68</sup> When the Indian Tea Association was formed in Calcutta in 1881, it was not formed by tea companies, but by agency houses, and its first committee consisted of men nominated by nine agency houses.<sup>69</sup> Companies which did not use fullscale managing agents often had Calcutta agents to handle certain functions, such as the shipping or marketing of tea.

According to Thacker's *Bengal Directory*, the giant managing agencies in 1883 included:

1. Jardine, Skinner, and Company—managing agent for eight tea companies and two others; agent for three other tea companies and five insurance and assurance companies.
2. Shaw, Finlayson, and Company—managing agent for three tea companies; agent for fourteen other tea companies and the Assam Railway.
3. Finlay, Muir and Company—agent for 41 tea companies, four insurance companies, three jute mills, and two steamship lines.
4. Mackinnon, Mackenzie, and Company—managing agent of the British Steam Navigation Company; proprietor of two tea companies; agent for four tea companies, and

- jute and cotton mills and insurance and tugboat companies.
5. Macneill and Company—agent for 21 tea companies, a coal mine, a jute mill, a steamship line, and an insurance company.
  6. Whitney Brothers and Company—managing agent for two tea companies, agent for four others and two steamship lines.
  7. J. Mackillican and Company—managing agent for two tea companies, secretary of two others, and agent for ten others.
  8. Williamson, Magor, and Company—agent for 45 tea companies.
  9. Begg, Dunlop, and Company—agent for 31 tea companies.
  10. Octavius, Steel, and Company—agent for 31 tea companies.
  11. Schoene, Kilburn and Company—agent for nine tea companies, three insurance companies, a cotton mill, a coal mine, and a steamship company.<sup>70</sup>

This list indicates that most European business, at least in the Lower Provinces, was concentrated in the hands of a small group of large agency houses in Calcutta.<sup>71</sup> Their full role in the Ilbert Bill agitation cannot be traced, but one important aspect can: their contributions to the Defence Fund. Of the eleven giant companies listed above, all had made substantial contribution by March 18, nineteen days after the Town Hall meeting and eleven days *before* the first general meeting of the Defence Association, when the fund was officially formed and the goal set.<sup>72</sup> No subscription was ever listed as more than Rs. 1,000. (However, second and third subscriptions of Rs. 1,000 each were made by Mackinnon, Mackenzie.)<sup>73</sup> Of those eleven firms, seven made identical contributions of Rs. 1,000; three companies contributed Rs. 500 each, and one (Shaw Finlayson) gave only Rs. 250.<sup>74</sup> There is no information on unreported subscriptions or individual subscriptions by partners or employees of these firms.

Within three weeks of the Town Hall meeting, subscriptions to the fund totalled Rs. 41,000, of which Rs. 30,125 came from

corporations in lump sums of more than Rs. 100.<sup>75</sup> The agency houses were most prominent among these generous corporations. Thirty of them contributed a total of Rs. 18,800 during that three-week period. When the March 29 announcement of the Rs. 300,000 goal was made, the fund already contained Rs. 60,000, of which Rs. 38,000 was from corporations.<sup>76</sup> After March 22 the pattern of fund subscriptions changed. The large agency houses had made their contributions; now subscriptions began to arrive from tea companies, indigo concerns, and other *mufassil* enterprises.<sup>77</sup> More contributions came from retail merchant and other individuals. Contributions were registered from entire towns in odd sums—the first was Rs. 1.575 from Serajunge on March 26,—indicating that a collection had been taken.

The fund drive to fight the Ilbert Bill resembled any large, well-organized public charity drive. First came the large advance contributions, preceding the official 'kickoff.' This was followed by individual gifts and the collections of industrious local committees. Lloyd's Bank announced that its branches would accept contributions. There was a benefit concert on March 17, featuring "several distinguished amateurs" and "Herr Moritz Siegl's Bohemian Orchestral Union."<sup>78</sup> Two performances by the 'Hai Hai Minstrels' in August netted Rs. 1,620.<sup>79</sup> Helping the cause, it would seem, was viewed as an act of true patriotism and public benefit, something to be proud of, and certainly not something secret or conspiratorial.

The central figure in the campaign appears to have been J. J. J. Keswick, senior resident partner of Jardine, Skinner. Keswick, as has been seen, was principal organizer of the Town Hall meeting and its first speaker (*supra*, pp. 48 and 59). It was Keswick, a resident of Calcutta since 1863, who became president of the Defence Association, Keswick who presided at the 1883 meeting of the Indian Tea Association,<sup>80</sup> Keswick who headed the prestigious Bengal Club. That club's historian wrote: "No unofficial European has ever enjoyed the unquestioning confidence of his community to the same degree as 'King' Keswick."<sup>81</sup> He even became a popular hero: "that rough creature Keswick has been elected a kind of uncrowned King of the mean whites," wrote Sir Ashley Eden.<sup>82</sup> It was 'King' Keswick who led Calcutta's resistance to the Ilbert Bill.

Yet there is also evidence of influence from London. Of the eleven agency houses cited above, two—Finlay, Muir and Octavius Steel—were branches of British firms. All of the rest but two—Whitney Brothers and Mackillican—were listed in the *Bengal Directory* as having senior partners or even most of their partners residing in Europe.<sup>83</sup> A company would not likely incite an agitation against the Government and contribute a thousand rupees to the war chest without the knowledge and approval of its senior partner. The company history of Finlay, Muir, for example, tells of occasions when home officers exercised their authority over their Calcutta colleagues in disputes, sometimes even dismissing them.<sup>84</sup> London businessmen must have approved the entire campaign, if they did not in fact direct it. Even Ripon acknowledged this after he received Lambert's report, for he then wrote to Northbrook:

I have suggested to Kimberley that when the Government have made up their mind what is to be done, he should try and get at some of Indian Houses at home, such as Jardine, Skinner & Co., and induce them in their own interests to use their influence with their agents, managers, &c. out here to accept their defeat and bow to the inevitable and wait until they are really hurt (which they never will be) before they cry out any more. . . .<sup>85</sup>

As 1883 proceeded, there were further clues. Three members of the Defence Association, including Keswick, conferred with Thompson in October and told him the campaign was "in the hands of people at a distance, whom they cannot influence."<sup>86</sup> In December, Northbrook spoke of a "a deliberate attempt to keep up the agitation by an unscrupulous system of wire pulling from England and Calcutta."<sup>87</sup> The campaign originated in Calcutta, as has been shown, but the longer it continued, the more it seemed to be controlled from England.

To summarize, the agitation against the Ilbert Bill cannot be explained as a device of the Calcutta barristers to settle a private score, as Ripon at first believed, nor simply as a spontaneous outburst of mass hysteria, as some historians have felt.<sup>88</sup> It was a deliberate and calculated campaign involving nearly the entire nonofficial European community of India, but with the

Calcutta businessmen, especially the giant agency houses, providing much of the backbone and direction. There is evidence (though no absolute proof) that strings were being pulled from England, toward the end if not from the beginning. But why?

#### 4. Reasons for the Opposition

So far the haughty and abusive aspects of the Ilbert Bill opposition have been stressed. Yet the agitation cannot be dismissed as simply mass hysteria or platform bombast; it was far more complex. The diverse arguments advanced by the opponents illuminate many of the conditions prevailing in British India.

##### (A) Lack of Necessity

Opponents argued that the Government was unable to show that any change in the law was needed, since no legitimate grievance or administrative difficulty existed or was likely to exist. The Bill would remedy nothing and solve nothing, opponents claimed, and therefore its sponsors were blindly pursuing an abstract ideal for its own sake.<sup>89</sup>

The opponents challenged Ilbert's reference in his introductory speech to the 'anomalous' position of Indian Civilians.<sup>90</sup> Such anomalies, they said, were an inevitable part of empire. The Earl of Carnarvon told the House of Lords: "Anomalies they must have in India so long as they retained their power there. If the Government really set themselves to work to sweep away anomalies, the first which they would have to remove was the British Government itself."<sup>91</sup> If Indians were to have the same opportunities as Britons, why not have Indian colonels of regiments, Indian governors, even an Indian Viceroy?<sup>92</sup> Everything European in India is really an 'anomaly'; why not eliminate European ideas, European trade, European improvements from India, as well as the Europeans themselves?<sup>93</sup> And if the Government was serious about eliminating all racial barriers, why did it bar European and Eurasian

recruitment from most of the uncovenanted services and the engineering college at Roorkee?<sup>94</sup> In reply, the *Hindu* at first said some anomalies were a necessary part of British rule, but others could and should be removed.<sup>95</sup> Two weeks later, the paper switched to a more radical line: Indians should start working for the removal of *all* anomalies, one by one, and the Bill would be just a beginning.<sup>96</sup> The British position was certainly awkward, preaching principles of liberty, justice, equal opportunity, and fair play for all while practicing autocratic foreign rule. Some anomalies and inconsistencies were intrinsic to the *raj*, as opponents of the Ilbert Bill saw.

What of the claim that Indian civilians held no genuine grievance, that the Government was moved by mere 'morbid sentimentality'?<sup>97</sup> One writer called the disqualification a defendant's right and no more of a slur than the peremptory challenge of a juror.<sup>98</sup> Fitzjames Stephen said it was simply a division of labor for Europeans to try Europeans and Indians, Indians and no stigma was involved.<sup>99</sup> The judges of the Calcutta High Court also saw no personal disparagement in merely recognizing existing differences.<sup>100</sup> Besides, Indians knew of the restrictions when they joined the service; how could they later claim to feel grieved?<sup>101</sup>

Nevertheless, they did. The disqualification was on strictly racial lines and therefore invidious in a way that the challenge of a juror could never be. Reynolds cited R.C. Dutt as a case in point:

He stood second in his year at the final examination in England; he is a barrister-at-law; he has filled subordinate appointments with credit; and he has written ably and successfully on economic questions in Bengal. It is something more than a sentimental grievance that such a man, who is thought competent to hold chief executive charge of a district, should remain under a legal disqualification for exercising the powers of a Justice of the Peace.<sup>102</sup>

If there had been any doubt about the racial stigma associated with the disqualification, the very nature of the campaign against the Bill must have dispelled it. Indians felt the stigma and expressed their indignation in writing.<sup>103</sup> Gibbs considered it

‘subversive of discipline’ to allow a junior European to try a case from which his Indian superior had been barred.<sup>104</sup> Words-worth warned:

The Native Civil Service cannot be permanently retained on a footing which imposes on its members a galling consciousness of inferiority to their colleagues of European birth. It cannot be expected that they will identify themselves with the interests of a government which maintains a distinction which they must feel to be invidious.<sup>105</sup>

The disqualification, then, was more than a mere legal or ‘sentimental’ anomaly. Indians recognized it as a racial slur, and the agitation against the Bill reinforced that feeling.

The question of administrative difficulty was more involved. Ripon claimed that a Covenanted Service which was one-sixth Indian, as the 1879 regulations anticipated, would not have enough qualified officials.<sup>106</sup> Opponents replied that there were always enough competent Europeans in a district to handle charges against their countrymen.<sup>107</sup> If by chance there were not, a case could be moved to an adjoining district in those days of railroads.<sup>108</sup> Besides, the rights of a defendant were more important than any convenience of the service.

Railroads or not, the transfer of cases to another district or even within the same district was no simple matter. It meant shipping prisoners, complainants and witnesses under police guard. Gibbs told the Legislative Council that any European haled before Satyendranath Tagore, Sessions Judge at Karwar, would have to be taken to Belgaum or Dharwar, a difficult and troublesome trip of nearly 100 miles, if he invoked his privilege. If the captain of a ship at Calicut had a complaint against any member of his crew, he would have to travel sixty miles to find a competent magistrate.<sup>109</sup> Europeans in South Sylhet, Assam, complained that although many large tea plantations had opened in their area, the nearest European magistrate was in district headquarters, more than a hundred miles from some parts of the district.<sup>110</sup> Inconveniences there were, a few actual, more potential.

There could be no staff increase from a Covenanted Service already stretched thin (*supra*, p. 23). Hope’s 1881 study

showed its actual strength as 873. With some taken for headquarters duties and special assignments, those available for the 222 districts of British India figured to fewer than three per district.<sup>111</sup> Some of those were Sessions Judges. Others were junior Europeans who lacked first-class magisterial powers and therefore could not hear charges against Europeans. Even a district as large as Jessore, in eastern Bengal, had only a single Covenanted Servant (and he was probably too busy otherwise for magisterial work).<sup>112</sup> At least one district (Sultanpur, in Oudh) had only one European, and he uncovenanted.<sup>113</sup> Furthermore, at any one time perhaps 20 per cent of the service was absent on furlough, sick-leave, or temporary assignment elsewhere.<sup>114</sup> Thus, Ripon was correct when he said further reduction of the number of officials who held jurisdiction over Europeans would cause administrative difficulties.

However, the Ilbert Bill would actually have increased those difficulties by *decreasing* the number of persons with jurisdiction. Uncovenanted Europeans and honorary magistrates would have lost the jurisdiction, and these were far more numerous than the 'statutory' Indians ever could have been.<sup>115</sup> In Assam, for instance, the immediate impact of the Bill's passage would have been to disqualify five Europeans but qualify no Indians.<sup>116</sup> The original Bill could not be justified on grounds of administrative difficulties. The Government was left with its grounds of invidious racial discrimination—the unjust and unfair treatment of its Indian servants—but for a people which prided itself on serving the 'natives' as moral exemplars, and instructors in modern civilization, that should have been enough.

### (B) Magna Carta

It was argued that Englishmen were entitled to be judged by their peers, which Indians were not. Opponents of the Ilbert Bill proclaimed that they were defending English liberties guaranteed by the Magna Carta, and they made this a favorite platform theme throughout the campaign. Such liberties had been cherished by Englishmen for centuries, and surrendering them should not be a requirement of living in

India.<sup>117</sup> No Indian, whatever his station in life, could possibly be the peer—that is, the equal—of an Englishman. As the *Englishman* put it, “speaking broadly and generally, a native of India is not an Englishman’s peer, and therefore, an Englishman cannot be liable to be tried by a native of India.”<sup>118</sup>

This presumption of inferiority did not sit well with Indians. *Amrita Bazar Patrika* asked: “Is not a native Civilian more than a peer for a loafer, or an indigo planter, or a tea planter?”<sup>119</sup> The *Indian Spectator* said if a European could only be tried by his peers, what of a Brahman or any other caste? “Nay, the twice-born Brahman may refuse to be tried by the European, whom he looks down upon as a *mlecchh*.<sup>120</sup>

The Magna Carta does not specify who is a peer of whom, but English common law holds that all commoners, whatever their personal differences, are peers in the eyes of the law, since they are not nobles.<sup>121</sup> “Trial by one’s peers” means commoners by commoners and nobles by nobles. To assert that no Indians were peers of the common Englishman was to call them such a different order of being that they could not even share his commonality. Some Ilbert Bill critics realized that ‘peers’ was not quite the right concept. Alexander Mackenzie, in his Madras speech, said one’s trial should be by “those of similar race and condition of life,” a complex requirement.<sup>122</sup> The *Englishman* based its objection on “the enormous difference of constitution and habit which separates the native from the European,” difference “made by Nature herself.”<sup>123</sup> An Indian based his “whole domestic and social polity” on distinctions of race, it added, so the European preference for judges of their own race was perfectly legitimate.<sup>124</sup>

English law does recognize a distinction between Englishmen and aliens. An Englishman can object to the seating of an alien on his jury—in England.<sup>125</sup> But English law and Magna Carta did not govern in foreign countries, and legally India was a foreign country. When an Englishman went abroad, he was subject to the law of the land, unless the British Government had made some extraterritorial arrangement.<sup>126</sup>

Opponents of the Ilbert Bill cited such arrangements as the Capitulations Treaties with the Ottoman Empire as proof of the British refusal to place their personal liberty “at the dangerous disposal of Oriental judges.”<sup>127</sup> Proponents replied

that the problem in Ottoman Turkey was not the race of the judge, but an alien legal system. Such was not the case in India, where the law codes had been drafted by British legal scholars, based on British law and constantly overseen by British jurists. Englishmen in such crown colonies as Hong Kong and Ceylon were tried by native magistrates as Oriental as those of India.<sup>128</sup> An 1853 law had given subordinate magistrates, including Indians, the right to try Europeans for certain petty crimes before enactment of the 1861 codes;<sup>129</sup> had those Europeans lost their rights? In 1883, Presidency Magistrates, some Indian, tried Europeans. As the *Statesman* remarked, it was a strange sort of 'inalienable' right which was alienated simply by crossing Circular Road (*i.e.*, entering the Calcutta corporate limits).<sup>130</sup>

To summarize, the cry that the Ilbert Bill would have violated Magna Carta was irrelevant, dubious, and mischievous. It was irrelevant because the laws and rights of England did not apply in India. It was dubious because it necessarily denied that any Indian, however high-born, was capable of sharing legal commonality with an England commoner. It was mischievous because the assertion of such claims was often couched in such derogatory terms that it could not fail to offend sensitive Indians, of whom there were many.

### (C) Plots Against Europeans

It was argued that the Bill would subject Europeans to harassment and false arrest through conspiracies and false evidence. This fear has already been seen in a letter to the *Englishman*, Mackenzie's speech in Madras, and the Town Hall speeches, as well as the original blast in the *Times*.<sup>131</sup> Litigation of some sort seems to have been a constant concern of the planter.<sup>132</sup> The manager of an indigo factory wrote that persecution by "ill-minded and malicious natives" was averted only by the requirement of a European magistrate. "With a prejudiced and ethnologically hostile magistracy," he said, "an isolated European manager might at any time be worried out of his time, his means, and his health. . .and the business entrusted to him would be demoralised."<sup>133</sup> It would strip the European of his defense against "the machinations and conspiracies of

designing and disreputable people.”<sup>134</sup> It would allow vengeful servants to complain to the nearest magistrate instead of having to go perhaps a hundred difficult miles for the nearest European one.<sup>135</sup> One writer felt that the basic problem was loss of status. Europeans, he said, considered it a humiliation to be taken before a native magistrate, “and so the natives revel in the prospect of infliction of this humiliation.”<sup>136</sup>

The fear of “malicious natives” was compounded by the fear of false witnesses. Most Indians “do not make a habit of speaking the truth”, wrote Judge C.D. Field, of the Calcutta High Court.<sup>137</sup> The lower order of natives “swear black is white with supreme complacency when their own or their superior’s interest require it of them,” declared William Logan, District Officer of Malabar.<sup>138</sup> One writer told of an Indian who swore he had seen a European burning a village at the exact time when the man was actually dining with the local judge.<sup>139</sup> The Rev. Henry Whitehead, later Bishop of Madras, deplored the anti-Bill agitation, but he verified the danger of false accusations:

The Bengalis were experts at getting up false cases of assault or murder. Any number of witnesses could always be procured for fourpence a head, prepared to swear to anything, and unscrupulous pleaders were always available to coach them up in their parts. It was a very common practice forty years ago for the imaginary crime to be acted in the presence of hired witnesses, who then went into court and simply described in their own way what they had seen.<sup>140</sup>

The jittery ‘conquerors’ sometimes sounded paranoid. Every *mufassil* European was a “marked man”, a retired judge wrote, constantly exposed to false and malicious criminal charges.<sup>141</sup> The fate of the English ‘memsahib’ was the particular worry of H.S. Thomas, who told the Legislative Council:

A false complaint lodged by her ayah [nursemaid] . . . , by her tailor that sits daily in her verandah, by any one of the household servants, grooms, or coachmen,. . . a false complaint by any irrepressibly obtrusive hawker. . . by any out-

side petty cobbler who has been paid his due, but thinks to get twice his due by means of vociferating clamour amounting to even menace...a false complaint by any of those may any day subject English ladies...to be tried by Foreigners.<sup>142</sup>

The fears of a lonely woman were magnified in such circumstances. One wrote:

What is to become of those among us...who, from the nature of our husbands' work, are frequently compelled to remain alone for many days at a time? Have we not enough to endure in India, isolated as we often are, suffering from the climate, and separated from our children, without the addition of a constant fear of personal attack? Has Lord Ripon no feeling of regard for his countrywomen that he should seek to expose hundreds of them to an anxiety so cruel?<sup>143</sup>

Some foresaw class dangers along with individual ones. H. C. Thorpe Robinson, a District Officer in the Punjab, wrote that in a time of mutiny, Indian Assistant Commissioners would never be able to resist pressures from their families, friends, and society. When such an uprising occurred (always a danger with Muslims, he felt), "we ought not to put into the hands of our subjects the formal power to cripple by sudden arrests at a critical time those scattered *mufassil* Englishmen."<sup>144</sup> One writer envisioned the rebels inducing Indian magistrates, by threats or bribes, to issue warrants on false charges for the simultaneous arrest of every European in their districts.

The arrests, being made under legal authority could not be resisted. The result will be that on the outbreak of the rebellion, the action of the Government will be paralyzed in every such district...and that, instead of one well like that at Cawnpore, there will be as many as there are districts in which this occurs.<sup>145</sup>

But Ripon saw no such menace. The Anglo-Indians had

special legal safeguards of appeal and *habeas corpus* rights, he pointed out; local governments were careful in their postings, and the High Courts kept a close watch on inferior courts.<sup>146</sup> Continental Europeans and Americans, who lacked the special privileges of "European British subjects," had registered no complaints about their treatment by Indian magistrates.<sup>147</sup> Quinton saw in the letters and telegrams pouring in from all corners of India evidence that no abuse of justice could be kept hidden.<sup>148</sup> As *Som Prakash* put it, the Natives could not "throw all their lawbooks into water."<sup>149</sup>

As to the danger of false witnesses, many affirmed it and no one denied it. It was a danger not confined to India,<sup>150</sup> but one intensified when buttressed by constant ethnic and economic antagonisms, as in Assam. The usual reply was that an Indian was best able to evaluate dubious testimony by Indian witnesses. Judge Mitter, of the Calcutta High Court, wrote: that "an honest Native Judge, by his superior knowledge of the character of the people, will be better fitted than his European colleagues to unravel the mazes of concoction, and discover where the truth lies."<sup>151</sup>

The most compelling evidence was the fact that the Anglo-Indians seemed unaware of the extensive powers which Indian magistrates already possessed. In 1883, *any* magistrate could take cognizance of an offense by a European and issue a summons, for his appearance before a magistrate with jurisdiction.<sup>152</sup> Any magistrate could hear evidence sufficient to frame a charge and record it.<sup>153</sup> Statements about wronged or vengeful servants or coolies having to seek out European magistrates thus show an ignorance of the law. Furthermore, *any* first-class or second-class magistrate could be placed in charge of a sub-division by a local government and given temporarily the powers of a District Officer.<sup>154</sup> As for sudden mass arrests, *any ordinary Indian policeman* could lawfully arrest *any* person, even without a warrant, for what he held to be a cognizable offense, and he could detain him indefinitely if it were a non-bailable offense.<sup>155</sup> The fact that these powers were so little known, hardly ever cited by proponents or opponents of the Bill, shows they were little used and rarely, if ever, abused. The Ilbert Bill would have added little to these substantial powers of harassment, and its danger to Europeans seems to

have been largely chimerical. As for conspiracies, mutinies, and revolutions, these rarely wait on legal niceties.

Finally, some Indians denied and resented allegations that they would not treat women with proper respect. Judge T. Muttasami Aiyar, of the Madras High Court, called this "a cruel and unjust imputation on Native gentlemen."<sup>156</sup> In respectable Hindu families, he said, ladies are shown respect and consideration scarcely inferior to that in English homes.

In short, the danger of harassment of Europeans through conspiracies and false evidence was real, though grossly exaggerated in the popular mind; but the Ilbert Bill would have added little to that danger. An Indian magistrate should have been able to cope with it as readily as a European one if he were honest, conscientious, and capable.

#### (D) The Untrustworthiness of Indians

It was argued that Indian magistrates, especially those who were not 'competition wallahs', were likely to be partial and untrustworthy in dealings with Europeans. This was vigorously expressed in Branson's 'the natives hate us' speech. Indians, because they had received no moral training at home or because they were not Christian, had no concept of truth, honour, or justice, and were therefore morally unfit for responsible judicial positions.<sup>157</sup> One writer observed a "peculiar aptitude for crime" in the educated Bengali.<sup>158</sup> Cox, the police official, said he knew of Indian magistrates who had substituted fraudulent depositions of witnesses for genuine ones.<sup>159</sup> Thompson was especially doubtful about the 'statutories', who he said were chosen "very often more for their social connexions than for any other qualification", with no guarantees of their ability or character.<sup>160</sup> It was said that Indians themselves had no confidence in their own people and transferred their cases to European magistrates whenever they could.<sup>161</sup> Indian magistrates, it was alleged, were naturally antagonistic toward Anglo-Indians:

... they dislike the non-official Europeans exceedingly, detest their ways, their bearing, their modes of transacting business, and their presence altogether. They are often

prejudiced against them, apt to believe complaints, and not unwilling to see their dislike justified by proved charges . . . against the noisy, independent, overvisible foreigner . . .<sup>162</sup>

Defenders of the Bill replied that (1) judicial temperament was not the exclusive property of any one race any more than prejudice was;<sup>163</sup> (2) any man, whatever his color or creed, could appreciate the value of liberty and justice; (3) a magistrate who could not be trusted to try Europeans could not be trusted to try his fellow-Indians;<sup>164</sup> and (4) Indian magistrates knew their British superiors were watching them carefully; there was a greater danger of their being overly lenient to Europeans.<sup>165</sup> Indians qualified by the Bill either would have undergone the rigors of competition or been specially selected by the Government. Even the 'statutories' had to pass departmental examinations and would have served ten or twelve years before receiving the jurisdiction. To condemn them was to condemn the Government which appointed, promoted, and assigned them. Even Thompson, with his doubts about the 'statutories', had no fear of magisterial corruption; "if we have taught the natives anything," he wrote, "we have taught them to respect the purity of the judicial administration."<sup>166</sup>

However, said the objectors, while an Indian official might be personally honest and impartial, he would be subjected to irresistible social pressures. The Judges of the Calcutta High Court warned that an Indian was

necessarily more amenable to external influences to which popular feeling, local prejudices or the wishes and interest of powerful individuals may give rise, than is a European officer . . . it would require no ordinary fortitude and independence on the part of a Native official to run counter to the prevailing sentiments of the society in which he lives.<sup>167</sup>

All upcountry Europeans, said the *Pioneer*, knew of "the innumerable side influences which are brought to bear upon a native official, embarrassing his action, clouding his judgment, and imperilling his impartiality. Independence of character is a quality which . . . is really unknown in ordinary

circles of native life.”<sup>168</sup>

The Bill's defenders replied that Indians had for many years been judging civil cases in which Europeans were parties and criminal cases in which Europeans were complainants without charges of bias. The opponents then began dredging up such charges. One said Englishmen were not the sort to carry tales to the authorities, but all was not well; a judge whom he knew was certain that an Indian subordinate was taking bribes, although it had not been proved.<sup>169</sup> Another told of unnamed Madras magistrates who reputedly harassed and inconvenienced European complainants in any ways they could.<sup>170</sup> Fergusson told Ripon of a Parsi Presidency Magistrate who had given an unduly severe sentence to a Eurasian who had made advances to a Parsi girl.<sup>171</sup> He also cited a case in which Satyendranath Tagore had acquitted an officer of his court of a murder charge in a verdict so questionable that it was being reviewed.<sup>172</sup>

As against these unverifiable anonymous or vague accusations, Elliott in his official opinion maintained that the history of the civil courts in Assam seemed to refute charges that Indians were unfit or would misuse their powers through malice. Civil cases often involved European tea planters, but the results of appeals, he claimed, showed that Indian judges “hold the balance between European and Native with discretion and justice.”<sup>173</sup> Charles A. Turner, Chief Justice of the Madras High Court, wrote that during his seventeen years on that court, he could recall no occasion when any European alleged that he had been “prejudiced by reason of his nationality” by the Native civil judiciary.<sup>174</sup> Both Elliott and Turner cited the great powers which a civil judge possessed. He could mulct a litigant of his property, brand him as dishonest, or even sentence him to jail for default of bail, contempt of court, or insolvency.<sup>175</sup> Yet they knew of no such abuse of those powers.

To summarize, most Anglo-Indians considered Indians unfit to judge Europeans, either because of personal biases against Europeans or vulnerability to outside pressures and influences. This belief seems to have been based, not on specific judicial performance, but on generalities about ‘Native character’—religion, home training, ‘corrupt’ society, lack of

moral fiber, personal hatreds and resentments, etc. Such traits and influences doubtless existed at times, but there was no hard evidence that they had corrupted the courts.

#### (E) The Incapacities of Indians

It was argued that Indians, even with the highest morality and best of intentions, lacked the logical mind, understanding, and character needed for the job. The Chief Justice of the North-Western Provinces High Court warned of a “peculiarity of the Native mind,” which he described as:

their incapacity for the investigation of facts irrespective of any consideration whatever but their truth purely and simply. Nor can they weigh evidence; in fact, they seem utterly incapable of understanding what evidence is . . . the logical development of a witness’s knowledge of facts is a thing utterly unknown, if it is not indeed impervious, to the Native mind.<sup>176</sup>

The ‘Bengali Baboo’, seen as the chief beneficiary of the Bill, would never be able to keep the peace among “the manlier but less lettered races of Upper and Central India”<sup>177</sup> Thompson said Europeans distrusted the *mufassil* Indian magistrate because of “the atmosphere of perjury, forgery, and intrigue” about him, but that a greater danger was the failure of justice from a lack of courage, from “want of nerve” to deal with troublesome cases:

The experience of every officer in the country will supply illustrations in which this independent force of character has been found wanting in the Natives, and the reports before the Government show innumerable cases in which a constitutional timidity has led Natives to shirk duty because it is difficult.<sup>178</sup>

Furthermore, Englishmen were certainly entitled to the best judges available. This necessarily meant other Englishmen. Indians could never understand them as well, and yet such understanding was crucial in what Lord Lytton called their

"necessarily isolated and necessarily invidious" social position.<sup>179</sup> Barrister Griffith Evans said that a judge should be able to put himself in the defendant's place, especially when evaluating "native oral evidence," the untrustworthiness of which "was well known to all." But, Evans continued, "if he was alien in thought and moral standard, and ignorant of the habits, customs, and manners of the accused, how could he put himself in his place?"<sup>180</sup> The *Pioneer* felt that one barrier was the Indians' traditional social system:

. . . A man's actions cannot be exclusively understood, and still less can his intentions be inferred from his actions or omissions, without such a sympathy with his mind as is implied in community of life and social intercourse. Whether rightly or wrongly, the Europeans will continue to think that their actions will be liable to be misjudged by native magistrates, until Indian society identifies itself more thoroughly with European ways of life and thought. . . until the native of India can leave his caste behind him and approach the Englishman on a common social platform, the differences between the two races will remain . . .<sup>181</sup>

The language problem raised special questions. One official felt that those Englishmen most likely to appear before a *mufassil* court would be engine-drivers, soldiers, and others who "use such provincialisms and slang and elliptical expressions that even (persons) reared in Britain have some difficulty understanding their whole meaning."<sup>182</sup> East Indian Railway employees pleaded that their cases would likely involve some understanding of basic technical and scientific knowledge and terminology.<sup>183</sup> Even nationalist Surendranath Banerjea felt that the jurisdiction should be limited to Covenanted Civil Servants. Most native magistrates in Upper India knew no English, he wrote, and to expect them to judge Europeans, "to whose modes of action and thought, manners and customs, they are perfect strangers, would be the climax of absurdity."<sup>184</sup>

The Bill's defenders replied that magistrates must always cope with different modes of thought, and those receiving the jurisdiction would be sufficiently knowledgeable and of proven competence to do so. Aitchison agreed that Englishmen were

fitter as a class to judge Englishmen, but he said there were individual gradations of capacity. No race could be presumed inherently unfit, and some Indians were as competent as any Englishman.<sup>185</sup> A Bombay High Court judge said the same guarantees of character and ability existed for Indians as for Europeans in the Civil Service (except for the 'statutories', for whom he saw no guarantees at all).<sup>186</sup> The Bill's defenders also denied that an educated Indian was unable to understand European modes of life and thought. The Anglo-Indian lifestyle was quite well-known, they said, and an Indian who joined the Covenanted Service became so Europeanized that he was virtually cut off from his own people.<sup>187</sup> Certainly such an Indian understood Europeans and their language far better than Europeans knew Indians. How ridiculous, one paper remarked, for an inexperienced European youth, working through an interpreter to try a rajah or a priest!<sup>188</sup> The Civilians had to pass examinations in Indian languages, but how fluent did this make them? Robert Carstairs, for instance, found his book knowledge of Hindustani and Bengali useless when it came to understanding the *patois* of the district to which he was assigned.<sup>189</sup> The Government had never insisted on complete understanding or social intimacy between judge and defendant as a prerequisite for the administration of justice.

Given this generally lax standard of comprehension, the objection of Indian inability to understand Europeans cannot stand. It is hard to imagine an Indian, whether he had been to England or not, passing examinations in English (and even the 'statutories' had to pass departmental examinations), receiving an education in English, spending at least ten years in a service run essentially in English, and being assigned a responsible position by Englishmen without possessing a working knowledge of English and some knowledge of European ways. While he might not understand or empathize with an Englishman as well as another Englishman could, his understanding should have been sufficient to conduct primary judicial proceedings, barring utter incompetence.

Yet the argument of Indian ineptness cannot be dismissed as readily as the argument of Indian corruption and partiality; it was affirmed publicly and officially by such authorities as the

Lieutenant-Governor of Bengal and the Chief Justice of the North-Western Provinces High Court. Where had they gotten these impressions of Indian character? Surely not from the tiny handful of Indian 'competition wallahs' nor the newly-appointed 'statutories'! They were probably based upon performances of Indians in the less-demanding uncovenanted services and elsewhere. The Ilbert Bill was not intended to give uncovenanted Indians jurisdiction over Europeans, but it might have had that result in certain cases because of loopholes in the existing regulations. 'Officiating' (temporary) judges and magistrates, of whom there were many, had the powers of regular officeholders but not necessarily the qualifications.<sup>190</sup> More than 200 of the posts legally reserved for Covenanted Civilians were actually held by other persons because of the shortage of Covenanted Civilians.<sup>191</sup> In 1883, three uncovenanted Indians were serving as Assistant Commissioners of various districts, with first-class magisterial powers; they would have been eligible for the jurisdiction.<sup>192</sup> An uncovenanted Indian was Sessions Judge at Bankura.<sup>193</sup> Even in the Covenanted Service, with its rigorous and highly-competitive examinations, there was no guarantee against incompetents; the examinations could not gauge character, executive ability, or judicial temperament, in any race.

Ilbert, in drafting his Bill, had tried to give the local governments broad latitude in their appointments, trusting them to screen out the incompetent. The Europeans, seeing the loopholes, had no such confidence in the local governments. Ilbert and Ripon had intended to grant the jurisdiction only in a few special cases, where needed.<sup>194</sup> The Europeans imagined it conferred wholesale on the worst Indian magistrates they had ever seen or heard of. Despite all the safeguards, there were no ironclad guarantees against ineptness (either Indian or European). But the Europeans' panic at such a prospect constituted a massive no-confidence vote in the entire administrative system of British India.

#### (F) Elitist Arguments

It was argued that special class privileges had always been an integral part of Indian law and society, that the British as conquerors were entitled to special privileges, and that the

prestige attached to those privileges was necessary for the Anglo-Indians' welfare and that of the empire.

The claim that special distinctions and personal laws were accepted in India, sanctioned both by Indian traditions and British Indian law, had been advanced eloquently by Fitzjames Stephen.<sup>195</sup> Lytton, attacking the Bill in the House of Lords, said the ideal of equality was not only unknown to Indians, but was "repugnant to their feeling, and condemned by their religious authorities. The whole organization of Native Indian life is based on inequality."<sup>196</sup> The judges of the Calcutta High Court wrote that "the entire structure of Indian society and British administration rests on personal laws, under which particular classes or individuals enjoy special rights. . ."<sup>197</sup> They cited a 1781 law intended to guarantee to Indians their "ancient laws, usages, rights, and privileges."<sup>198</sup> In particular, the opposition pointed to legal provisions which exempted from personal appearance in the civil courts "women who according to customs and manners of the country, ought not to be compelled to appear in Court," and "any person whose rank, in the opinion of such Government, entitles him to the privilege of such exemption."<sup>199</sup> Therefore, they said, the British were also entitled to special privileges.

It was replied, however, that legal distinctions occurred only in the civil, never the criminal code, where all Asians were subject to the same laws and judges, and that recognition of a socio-religious tradition was a very different thing from letting a defendant select a sympathetic judge.<sup>200</sup> The civil code exemptions were explained to the House of Commons by J.K. Cross:

Sir, women who, according to Native ideas, ought not to be seen in public, are exempt from personal appearances in the Civil Courts. Their evidence is either taken by Commission or they are brought into court and examined in palanquins. They are not exempt from arrest in execution of civil process nor upon a criminal charge. Local Governments may, by notification in the *Gazette*, exempt from personal appearance in the Civil Courts any man whose rank they consider entitles him to the privilege. But those who claim this privilege are liable for the costs of the Commission under which their evidence is taken. In criminal matters.

men enjoy no privilege except that those exempted from personal appearance in Civil Courts do not serve as jurors or assessors.<sup>201</sup>

One privileged rajah, Rajendra Narain Deb, when asked to justify those exemptions, replied that ladies in *purdah* led such restricted lives that a torrent of questions on a witness stand would only confuse them and lead to a miscarriage of justice. As for the privileges of rank, they were an honor bestowed by the Government, much like a medal.<sup>202</sup> In 1883 there was one instance of a *purdahnashin* lady arrested and imprisoned for debt, and another of the Calcutta Police Court compelling a man to produce in court his *purdahnashin* wife, whose testimony was sought in an assault case.<sup>203</sup> The *Hindoo Patriot* noted that Indian women who went about in public were not excused from appearing in court; let English women take to *purdah*, and they also could claim exemptions;<sup>204</sup> Thus, while the civil law recognized certain customary privileges and distinctions among Asians, the criminal law did not. Even the civil law never allowed such privileges to interfere with the work of the courts.

Anglo-Indians claimed that absolute rule and special privileges were concomitants of the alleged British conquest of India.<sup>205</sup> To a retired naval officer in Chittagong, the rule of a handful of British over 300 million (*sic*) Indians meant that "we must evidently be a superior and stronger race, which is indisputable, I fancy, and that being admitted, the native has no just cause for complaint if he is not allowed to try the dominant race."<sup>206</sup> To another correspondent, such a small privilege seemed the least which grateful Indians might allow:

Surely after our forefathers and ourselves have ruled India for considerably over a century; after streams of English blood have been shed, not only in conquering her, but in defending her best interests, after numbers of our men have spent their lives in her service only to return to England to die, often from the effects of the climate; after enormous amounts of English capital have done almost all to improve the country, and this combined with good Government have turned India from a perfect pandemonium, into a

quiet and peaceful and prosperous land. Surely after this, there is some slight argument why a few privileges should be retained by the European race.<sup>207</sup>

Two leading Indian newspapers replied that asserting such attitudes would endanger the empire. The *Hindu* said British conquest owed less to “blood and iron” than to “cunning and chicanery,” and questioned whether such supposed glories entitled “every venturesome loafer of an Englishman” to special privileges. “It is too late to treat natives as a conquered people,” it continued. “A policy that reverts to any such barbarous course can be carried out but at the peril of England’s empire in India.”<sup>208</sup> To *Amrita Bazar Patrika*, Fitzjames Stephen’s ideas were summed up as “might makes right,” with questions of morality, truth and justice of no matter. But India was not ruled by the sword, it continued, because there were 5,000 (sic) Indians for every Englishman in India.

That these 5,000 men should allow themselves to be led quietly by one Englishman is, because they feel that, the Government, if it has its bad parts, has its good parts too. . . . Of these five thousands, some few are for the Government, some few are against the Government, but the vast majority are indifferent. Every act of goodness increases the number of friends, and every act of oppression the number of foes of the Government. Why will any man remain on the side of the Government if the country is governed by the sword?<sup>209</sup>

If Stephen’s policies were adopted, it predicted, “India would struggle to be free and eventually succeed.”<sup>210</sup>

Each side had a point. Whether the British had conquered India or merely beguiled it, their rule was basically authoritarian. Decisions were made at the top and enforced, militarily if necessary, on masses whose only role was to acquiesce. Trying to share little bits of power and proclaiming democratic principles was dangerous. On the other hand, to take an exaggerated military posture, to demand galling special privileges, and to keep reminding Indians that they were ruled by foreigners was indiscreet and perhaps even more dangerous.

Moreover, claims of "we conquered India," when shouted by newly-arrived bank clerks and shop assistants, must have sounded strange to the *sepoy* veterans of Gujarat and Chilianwala.

Finally, the personal prestige of the 'ruling race', considered by some an indispensable element of empire, was seen to be threatened by the Bill. Thomas, in his Council speech, said forcing a planter to appear before an Indian magistrate, whether or not he got justice, would "so lower him to their own level in the eyes of his two or three hundred coolies, that he will not be able to command their respect any more."<sup>211</sup> One speaker said the only thing which held down discontent was "the moral weight which attaches to every Englishman in the eyes of the native."<sup>212</sup> Every inch subtracted from the stature of the Englishman in India was an inch subtracted from the power of the English to hold India, said the *Englishman*.<sup>213</sup> An Englishman "stands on a higher platform of life, and, by reason of that position, is able to exert moral force and power."<sup>214</sup> Even Chief Justice Turner, who rejected most of the agitators' arguments, saw a need for prestige for the *mufassil* European. Troops and police were spread thinly, and Europeans, with their "prestige of race," had to be relied upon to restrain excited mobs. He explained:

In one sense every European in India is a member of the garrison, or, as I prefer to say, of a body which has assumed the duty of rescuing and preserving India from anarchy, and it would be impolitic, in the interests of all races, that the prestige of the European should be impaired.<sup>215</sup>

While legal privileges might have inspired a spurious sort of prestige or awe, they seemed more productive of resentment. One writer said prestige should be earned by a higher standard of morality instead of by "shielding criminals," by a "kindly equality between rulers and ruled" instead of "invidious privilege."<sup>216</sup> Another felt that Europeans were actually losing prestige through their agitation. Who could say, he asked, "in the face of Bransonian ribaldry and Keswickian vituperation that the moral nature of the European is a whit superior to that of the native? Is it moral superiority to be fired up by the

worst of passions, passions of anger, pride, hatred, and contempt of race. . .?"<sup>217</sup>

Thus, the need for prestige, like the 'right of conquest' argument, had a certain logic within the imperial situation, but the bald and noisy assertion of it was counterproductive. It created an antagonism which probably lost the Europeans more in genuine prestige than any legal jurisdiction could have done. If law and order, government and empire, depended on the personal prestige of this sort of Englishmen, and if their prestige depended upon their not appearing before Indian magistrates, the *Raj* was indeed in precarious condition.

#### (G) Economic Arguments

It was argued that if the Bill were to pass, investment capital which India badly needed would be frightened away. This approach was prominent in the first alarmist dispatch in the *Times* of February 5, which had called passage of the Bill a "death-blow" to the tea, coffee, and indigo industries, and in Miller's March 9 speech in Council.<sup>218</sup> The Marquis of Salisbury, the Conservative leader, relied on this argument in the April 9 debate in the House of Lords, even quoting Miller.<sup>219</sup> The first consideration, he said, is not the fitness of the judge, but the Bill's effect upon the European population and the prosperity of India. He explained:

The population is increasing at an appalling rate, faster than the resources of the country are increasing at present; and if you hope that the resources will increase faster than they do now, it is to England and to English capital alone that you can appeal with success. . . . the interests of the Europeans cannot be permitted to be ignored.

For the sake of merely gratifying the feelings—or, if you like, the legitimate ambition—of a small number of Native Government servants, the Government are promoting an hostility which will be far more dangerous than the hostility of the coloured millions of India, and they are alienating from the shores of India that capital and industry by which alone the millions of India can live.<sup>220</sup>

The *Madras Mail* felt the Government had induced capitalists to invest and planters to settle in India by offering them special protection; to revoke that would mean going back on a guarantee.<sup>221</sup> One correspondent said that if the Bill were passed, the Government ought to postpone its enforcement for ten years, to give "sufficient time for such Britons as do not care to sell their birthright to clear out of the country."<sup>222</sup> Another claimed that the Ilbert Bill had already caused a sharp drop in the prices of coffee estates at an auction in Madras.<sup>223</sup>

One visceral Indian reaction to this line was a fervent wish that the British and their businesses would indeed clear out: "The very day the avaricious Englishman leaves India for England, the sun will shine upon India. . . ."<sup>224</sup> *Amrita Bazar Patrika*, tart-tongued as ever, jibed: "Oh, God, how can we manage to live in this country if the sahib logues, who have come here after a great deal of persuasion and trouble, were to leave our country."<sup>225</sup> A more thoughtful reply was that British capitalists had invested substantially in Ottoman Turkey, in Russia, in South America, wherever they felt they could turn a profit, with far less control over security of person and property than in India.<sup>226</sup> Large investments were being made in tea and other crops in Ceylon, its Asian magistrates notwithstanding. The *Indian Daily News*, before it turned around, said European capital had withstood the indigo riots, so the idea of harm from an occasional Indian magistrate was "too farfetched to be seriously considered."<sup>227</sup> The *Bombay Gazette* also scoffed at such a notion:

. . . none of us are so prudent as to give up the chance of turning our capital or our energies to good account because of doubts about the way the law would be applied to us if we should get into a scrape. Whether Mr. Ilbert's Bill be passed or shelved, or 'amended', we Europeans will not pack home. The fate of the Empire does not depend on any such fine point as that.<sup>228</sup>

As the controversy continued, the 'flight of capital' arguments gradually disappeared. W.S. Seton-Karr, a retired Government of India official, admitted to an anti-Bill meeting in London on June 25, 1883, that he did not really expect the Bill to stop

the flow of capital.<sup>229</sup> The *Times*, originally so upset about this, then backed down and agreed editorially that it would take very violent legislation indeed to drive capital out of India.<sup>230</sup> (In fact, annual capital investment in India rose steadily during those years.<sup>231</sup>) Yet this fallacious argument had been the feature of that crucial first dispatch from Calcutta. Apparently Macgregor, perhaps influenced by Judge Garth, had deliberately tried to alarm British investors. Perhaps the entire economic argument was a mask to cover deeper but less socially-respectable fears. Perhaps the British businessmen of India scared themselves with these hobgoblins, or perhaps others manipulated them. Certainly the terror was genuine, even if the ostensible reasons for it were not.<sup>232</sup>

#### (H) Law-and-Order Arguments

Finally, it was argued that if the Bill passed, law and order would break down, since Europeans would refuse to obey Indian magistrates. Wrote an army officer:

I only express the opinion of every officer I have spoken with when I say that it would be next to impossible to control our men from violence if one of their comrades were sentenced by a native Judge. I belong to a large garrison and can positively assert there is but one feeling among our officers and men, and that is extreme and violent indignation at the most audacious attempt to deprive us of our rights and privileges as English citizens.<sup>233</sup>

A group of planters reportedly swore they would not accept such a law, but would “deal in their own way with the first native magistrate who presumed to try a European.”<sup>234</sup> An Anglo-Indian weekly, the *Bengal Times* of Dacca, predicted “murder, outrage, and sudden death in the land. We strongly advise the unfortunate Bengali Babu and the backers to (ensure) their lives. Bloodshed and violence will follow as certainly as night follows day, if we are deprived of our rights.”<sup>235</sup>

This argument, like that of withdrawal of capital, was a self-fulfilling prophecy. Capital would have been withdrawn only if Europeans chose to withdraw it. Law and order would

have broken down only if Europeans had chosen to break the law. These were not causes of the agitation, but possible effects; not reasons, but dangers or even threats, assuming they were not entirely bluff and bluster. Given the great excitement, it is not unlikely that some impressionable young Europeans were ready to defy or even manhandle Indian officials to "save the empire."

To summarize, many and varied arguments were presented against the Ilbert Bill. Some of them were plausible, some fanciful; some were hypothetically possible but wildly exaggerated; some were *non sequiturs*, and some were not reasons at all, but rationalizations. Obviously, the reasons given were secondary; the Bill was an abomination to the Europeans, and they were operating on emotion rather than logic.

Perhaps *Amrita Bazar Patrika* came closest to the answer in its comment on the Town Hall protest meeting: "The picture of a Bengalee Babu was held over their eyes, and they immediately lost their consciousness and became mad." Indeed, the meetings and the letters seemed to give practically as much attention to the Babu as the Bill. The Bill was an abomination because it was identified with the Babu, who to the Anglo-Indians was an abomination, an affront to their world-view, a challenge to their empire. The British ridiculed the Babu, with his smattering of book-learning, his superficial Westernization, his comical half-knowledge of English, but, as Michael Edwardes has put it, "all the laughter was not quite loud enough to drown out the fear."<sup>236</sup> What they feared was not Indian incompetence, but Indian competence. If the Babu (and his equivalent in other provinces) could learn English, master Western subjects, and compete with Englishmen, alien rule over him was not a natural and permanent feature, but just a temporary aberration. If Indians were essentially as good as Englishmen, they would not long remain subjects of Englishmen; as Philip Mason has said, "the Europeans saw that once there was equality, the whole fabric must vanish, the whole bluff collapse."<sup>237</sup> The Anglo-Indians of 1883 might not have acknowledged this as a threat, but perhaps they sensed it; protest speakers often dropped a line such as: "I like the Natives, but I cannot stand the Babus."

The arguments against the Bill are most instructive be-

cause of the pitiless light which they cast on their authors. The Anglo-Indians appear smug and narrowminded in their racial and cultural pride, contemptuous of their Indian neighbors, indifferent to Indian sensibilities, and yet, at the same time, suspicious and often fearful of those so-different people around them. They sneered and jibed at the Babus. They did not trust their own Government of India to protect their rights (about which they had some misconceptions), nor their much-lauded Indian Civil Service to produce competent and reliable officials. Many of the things they hated and feared were identified with the Ilbert Bill, and so they fought it with every means and every argument which imagination could devise.

## 6. The Role of the Press

The importance of the newspapers in inciting the agitation and the inability of the Government to reply effectively have been discussed.<sup>238</sup> Without them a widespread and coordinated agitation never could have occurred. It has even been said that it was James W. Furrell, editor of the *Englishman*, who "formed the vanguard of the opposition movement,"<sup>239</sup> but Furrell, a former Civilian turned journalist, seems too insignificant a man for such a role. He certainly took a prominent part; he and S.E.J. Clarke, editor of the *Indian Daily News*, served as secretaries of the Defence Association. Furrell maintained that the Government had hidden reasons based on "Radical philanthropy" for pressing such a "senseless" Bill. He saw it as the first of a series of measures enabling the Government "to pursue its plan of rapidly Indianising the entire administration of the country."<sup>240</sup> The campaign certainly did not hurt his paper; on October 29, citing the growing pressure of news and a large increase in circulation, the *Englishman* increased its issues from four to eight pages.<sup>241</sup> By December 1, its regular issue was ten pages.

In London, the *Times* maintained its outspoken opposition (though it at least ran letters and accounts of meetings favor-

ing the Bill, which the *Englishman* generally did not). Macgregor normally telegraphed a weekly roundup of Indian news, and during the spring and summer of 1883 he used these columns to wage a fullscale propaganda campaign against the Ripon Administration. Hardly a Monday went by without his describing the extent and determination of the opposition, restating its case, or attacking the real or imagined arguments of the Government.<sup>242</sup> The editors apparently gave him full scope and editorial support. Ilbert said his work was "too scandalous."<sup>243</sup>

Most of the Anglo-Indian newspapers moved, as shown, from unconcern to cautious doubts to vociferous opposition to the Bill. Opponents apparently pressured the editors. Gibbs told Ripon the *Indian Daily News* turnabout was caused by threats of European merchants to withdraw their advertising while that of the *Times of India* was ordered by its principal proprietor (*i.e.*, Colonel Lees) from England.<sup>244</sup> Some of the *mufassil* Anglo-Indian papers were most shrill. Even Thompson, who fought the Bill, later regretted that "English journals lost much of the self-restraint and good feeling which is usually their honourable characteristic."<sup>245</sup> The *Bengal Times* of Dacca was a good example.<sup>246</sup>

The *South of India Observer*, the weekly of Ootacamund (where the Madras Government made its summer headquarters), exemplifies both the lost self-restraint and the complete turnabout, perhaps under pressure. The *Observer's* first editorial comment, on March 10, scoffed at the idea that such a modest change might endanger English lives. But the Bill was perhaps premature, it warned, and the resulting ill-will might delay "the honourable, praiseworthy, and truly noble aspirations of Lord Ripon and his advisers."<sup>247</sup> Later editorials deplored the rabid attacks on Indians, dismissed Salisbury's House of Lords speech as "mere fustian, mere bunkum," and regretted that Britain has not given Indians more of Western education and civilization.<sup>248</sup> But then the paper began picking up articles and letters from opposition papers and prominently reporting accounts of anti-Bill meetings. On September 1 it remarked that even educated Indians remained sunk in superstition and derided politicians who felt India could be governed on principles of liberty and equality.<sup>249</sup> The *Observer* finally pulled out

all stops in an editorial of September 29. It denounced the Bill as "pernicious nonsense," the product of "downright madness," with its object "the degradation of Englishmen in India." It continued: "Lord Ripon, backed by Gladstone, is certainly inviting the natives to turn their alien rulers out of the country. The next mutiny will be...a universal rising of the whole people...to drive us out in response to the invitation of the Viceroy."<sup>250</sup>

Those few European papers that dared to defend Ripon and the Bill's principles—the *Madras Times*, the *Bombay Gazette*, the *Statesman*—must have withstood immense pressure. Robert Knight, editor and proprietor of the *Statesman*, returned to India and resumed control of it in August of 1883. He began casting about for modifications to make the Bill more palatable, but he was no man to buckle under pressure. Knight recalled the Mutiny days when, as editor of the (then) *Bombay Times*, he had braved a storm of abuse to defend Lord Canning and his policies of moderation:

. . .we had then as journalists to 'look hellfire in the face', and the baptism has served us in good stead. We have never flinched since. It is no use for excited and foolish men to write to us, telling us peremptorily to 'stop the paper' or 'stop the advertisements.' They would spare themselves the trouble, if they knew how 'infinitely little' in our eyes such reprisals are.<sup>251</sup>

The editorials of the anti-Bill newspapers were bold enough, but some of the pseudonymous letters which they published lacked all restraint. An extreme example of this *genre* was one signed 'Flora Macdonald.' The author claimed that Hindus had nothing but contempt for women, and that the Hindu mother, degraded and confined to the *zenana*, gave her children no moral training. Consequently, the Hindu carried within him "the vices of the *zenana* magnified":

He is intriguing, cunning, patient, supple, insinuating. . . Falsehood and dissimulation, the most contemptible and degrading vices of which human beings can be guilty, are the national vices of the Hindus. . .And do Lord Ripon and

his advisers propose to entrust the honour and liberty of English men and English women into the hands of men brought up in the Zenana, with all its evil surroundings and influences? . . .<sup>252</sup>

The letters which created the greatest stir, however, were those appearing in the *Englishman* over the name 'Britannicus'.<sup>253</sup> The 'Britannicus' letters, the work of a skilled polemicist, had a more elevated and erudite tone than those of the 'Flora Macdonald' variety. The first, on February 28, called the Ilbert Bill "the last straw" of a suicidal policy. It urged Europeans to "rise up as one man and shake it off," or else be "delivered, bound hand and foot, to the tender mercies of natives authorized to inflict upon them the lash and a legalised black hole."<sup>254</sup>

'Britannicus' maintained that there was no 'Indian nation,' that India was a conglomerate of races and tribes with no cohesion, differing as much as Englishmen, Spaniards, Frenchmen, and Germans differ from each other. Therefore, it was absurd to grant a privilege to one small group, under the delusion that it contained the leaders of 'the Indian people.' The cry of 'India for the Indians' was, he said, "a claptrap, mawkishly sentimental cry, enunciating a gross fallacy, got up for the purpose of robbing the British of a land which their fathers had purchased with their blood, and held by their bravery, and to which the so-called Indians have no right whatever."<sup>255</sup> After the March 9 Council meeting, 'Britannicus' devoted a letter to each of the speakers who favored the Bill, dissecting and rebutting his arguments. He was especially severe with the Indian members, who he said might apply some of those vaunted principles of racial equality and enlightenment at home. He asked the "lovers of equality" whether Aryans had ever given *sudras* the right to judge them and their wives or Muslims the Hindus.<sup>256</sup>

'Britannicus' knew how to provoke. *Amrita Bazar Patrika* called such hidden assailants cowards who stabbed in the dark, a role which "does not speak much for the valour of the dominant race."<sup>257</sup> Ripon asked Thompson to find out who 'Britannicus' was, but the Lieutenant-Governor replied that he could not. At first, he said, two civil servants were suspected,

then "a caucus of Barristers, writing in the Calcutta Bar Library, but general opinion now fixes it on a merchant in Calcutta, but I have not yet learned his name."<sup>258</sup> Thompson lapsed into similar helplessness when Lyall suggested that he try to quiet the agitation (*supra*, p. 101). He replied that tempers were bad, as the letters to the *Englishman* showed, and those letters published were only the *milder* ones.<sup>259</sup>

## 7. The Choosing of Sides

The Ilbert Bill controversy may have begun as a status and/or job quarrel between non-official Europeans and Indian Civilians (with the latter lumped under the 'Bengali Babu' stereotype), but as the excitement spread, many other persons and groups were drawn into the conflict and forced to choose sides. One letter writer urged other communities to join the British in fighting the Bill. Such crises created lasting race alliances, he warned, and "a day of reciprocity is not very far off."<sup>260</sup> Although continental Europeans did not share the legal privileges of the British, a French resident of Calcutta said his countrymen were always ready to fight "the battles of right and liberty." With questionable historical sense, he compared the Anglo-Indian uprising with "Lafayette and his volunteer's spirit."<sup>261</sup> The committee of the Defence Association included J.G. Apcar, the prominent Armenian barrister who had spoken at Town Hall, and E.D.I. Ezra and Elias S. Gubboy, local Jewish leaders.<sup>262</sup> (The Calcutta Jews, mostly a business community, were largely Middle Eastern in origin.)<sup>263</sup> These three groups—continental European, Armenian, and Jewish—were neither British nor Indian; perhaps they felt that association with the British community would benefit their businesses and professions.

The Eurasians were a more numerous ally for the Europeans. They qualified legally as Europeans only if they, a parent, or a grandparent were born in Europe.<sup>264</sup> Whatever their legal status, many Eurasians sought acceptance by the community, and these joined the European cause. The Defence

Association committee included two of their leaders, the Rev. H. Finter and W.C. Madge, and Madge was appointed assistant secretary.<sup>265</sup> According to one account, some rural protest meetings had more Eurasians and Indian Christians at them than Europeans.<sup>266</sup> However, a contrasting view was taken by David S. White, president of the Madras Eurasian and Anglo-Indian Association; White said Eurasians were natives of India, and as such should favor the Bill.<sup>267</sup> Indian Christians were also divided. If some sided with their co-religionists, others sided with their countrymen. One wrote that India was the land of their forefathers, it would be the home of their children, and Christians should bear India's humiliations with their countrymen.<sup>268</sup>

Support from the Parsis, who had fared so well under the British, was also sought. The *Times of India*, citing the reported attendance of Parsis at the Calcutta Town Hall meeting, said "the Parsees should remember that they are a race quite as alien as the English, and that their fortunes are wrapped up in British rule. That is, we imagine, a much more important claim for sympathy than the ill-judged and ill-timed demands of half a dozen Baboo members of the Civil Service."<sup>269</sup> But often it was not. Support for the Bill by Parsi-run journals—not just progressive ones such as *Indian Spectator*, but traditional ones such as *Jam-e-Jamshed*—has already been noted.<sup>270</sup> The *Bombay Gazette* received a telegram from a man who said he had been the only Parsi at the Town Hall meeting, and he had left as soon as he heard Bengalis being abused. "Between the Bengalees and the Parsees there is no difference; all are Indian," he wrote.<sup>271</sup>

Muslim leaders, who might have feared the advance of Westernized Bengali Hindus, largely favored the Bill. Support has been noted in the Council speech of Syed Ahmed Khan, the letter of Badruddin Tyabji, the stand of Urdu papers, and the petitions of the National Mahomedan Association and Mahomedan Literary Society.<sup>272</sup> Three traditional Muslim leaders in Bihar wrote against the Bill: the eminent Nawab Sayyid Wilayat Ali Khan, who feared its passage would create British resentment of Indians; Moulvi Abdul Jabbar, and Moulvi Khuda Bux Khan.<sup>273</sup> On the other hand, resolutions supporting the Bill were passed by the Anjuman-i-Islamiya,

Amritsar; the Anjuman-i-Mufid-i-Am, Kasur, and the Anjuman-i-Punjab, Lahore.<sup>274</sup>

The reactions of two newspapers illustrate the Muslim dilemma. *Kaside Mumbai*, a Gujarati Muslim paper of Bombay, began by opposing the Bill in its issue of March 2; it claimed that Hindu judges had frequently failed to administer justice to Muslims and could hardly be trusted to judge Europeans.<sup>275</sup> But on March 7 it attacked the opposition for selfishness, and on March 15 it praised Ripon for his firm support of the Bill.<sup>276</sup> By its April 6 issue, *Kaside Mumbai* was quoting the Bill's advocates and condemning the outcry against it.<sup>277</sup> *Jarida-i-Rozgar*, the largest Urdu paper of Madras, carefully weighed the claims of English and "Babus" in its March 17 issue. It recognized a "right of conquest": the Mughals had given their co-religionists special privileges. But the Mughals had also let the Hindus share in their administration. The paper felt that Europeans had often gotten off lightly in the courts. The Government wanted to end this, and it should be supported. The Calcutta meeting had abused *all* Natives, not just Bengalis, *Jarida-i-Rozgar* said, and that meeting was "decided and convincing proof of European enmity."<sup>278</sup>

Perhaps there was no "Indian nation", as 'Britannicus' maintained, but the longer the controversy lasted, and the more the Europeans scoffed, the more it became a reality. Ripples of excitement spread out from Calcutta, and leaders in other parts of India spoke up for the Bill and, implicitly, for a common Indian political identity. The Poona Sarvajanik Sabha, prompted from Bengal, began to organize the Bill's defenders in Bombay Presidency; its secretary, S.H. Chiplonkar, saw in this a salutary means of educating Indians in defense of their rights.<sup>279</sup> Fergusson admitted in April that "the tone of the natives who dabble in politics seems to have become more independent and ambitious."<sup>280</sup> In Madras, Grant Duff grumbled about "the wretched Native Press" and warned Ripon that the feelings aroused would "advertise to all the world what was of course an open secret to all who know India, that the hatred between conquerors and conquered is still very deep."<sup>281</sup> In July, Lyall felt that the most influential Indians in the North-Western Provinces were still indifferent to the Bill, but:

A certain number of highly educated gentlemen are in favor of the total removal of all race distinctions. . . . if a sharp contest over the Bill were to supervene, and if the Europeans were to agitate actively against it, I have no doubt that many of those who are now indifferent would take a side in favor of the measure. . . .<sup>282</sup>

In the volatile Punjab, the Ilbert Bill was reportedly one of the few issues able to unite all Indian communities.<sup>283</sup>

Parliament received pro-Bill petitions from an impressive variety of non-Bengali groups, including the Orissa Peoples' Association; 558 Indians of Vingorla, Bombay; the Native Association of Kalka, Punjab; the Satara Sarvajanik Subha; the Kayastha Literary and National Association of Ajmer, Rajputana (Rajasthan), and the Sri Gobind Singh Sabha, Lahore, a Sikh reform organization.<sup>284</sup> In at least two cities, supporters of the Bill held large intercommunal public meetings. One was in Bombay on April 28, attended by delegations from Poona, Sholapore, Ahmedabad, Surat, Broach, and Veeramgaum. Speakers were K.T. Telang, Tyabji and Pheroze-shah Mehta, a leading Bombay Hindu, Muslim, and Parsi, respectively. They called for an India governed by principles of justice, not by the sword, and a resolution was passed which called the Bill "necessary for the just and impartial administration of justice."<sup>285</sup> The other meeting took place in Allahabad on October 1. Prominent participants were a municipal councillor, two local Muslim leaders, and officials of the Hindu Samaj, Kayasth Patsala, and Indian Association of Allahabad. The meeting denied in vehement resolution that Upper India was apathetic or indifferent to the Bill, as Lyall had claimed, and that

. . . . a measure of this kind has always been in request amongst the intelligent, educated, and thinking portion of the Native community of these Provinces, and the disqualification imposed upon their educated countrymen(!). . . . by reason of their race, has always been looked upon by them, not only as anomalous and invidious, but as opposed to the avowed policy and guiding principles of British rule in India.<sup>286</sup>

Thus, most non-Indians chose to align themselves with the opponents of the Bill, while most politically-aware Indians supported it. Perhaps only those 'half a dozen Baboos' would have benefited from it, but once the Europeans launched their derisive attack, Indians of many communities felt the sting and made the Bill their cause. As the *Indian Mirror* said:

For the first time in modern history, Hindus, Mohammedans, Sikhs, Rajputs, Bengalis, Madrasis, Bombayites, Punjabis, and Purbiahs have united to join a constitutional combination. . . . Whole races and classes, who never before took any interest in the affairs of their country, are taking it now with a zeal and an earnestness which more than atone for their former apathy. . . .<sup>287</sup>

The *Hindu* of July 12 declared (perhaps prematurely) that the millions of India had become a nation; "their interests have been unified; and they must henceforth stand or fall together."<sup>288</sup> Even allowing for hyperbole, the Anglo-Indian campaign had clearly forced many dissimilar Indians into a common camp.

To summarize, neither Ripon nor later historians have ever learned the full story of the campaign against the Ilbert Bill, but certain facts are known. The alarmist dispatch in the *Times* which ignited the campaign was probably inspired by the spiteful Calcutta barristers, but the business interests took over direction and financing of the campaign, and nearly the entire European community joined quickly and clamorously in. Many reasons were advanced for opposing the Bill, most of them either chimerical or greatly exaggerated. At the heart of it was fear and resentment of educated Indians (characterized as "a few Bengali Babus"), whose claims to fear and equitable treatment challenged the Anglo-Indian world view and thus the basis of empire. But if the Bill provoked the Anglo-Indians into unity and action, so their agitation provoked many previously apolitical Indians into unity and action.

## NOTES

<sup>1</sup>Ripon to Northbrook, Mar. 19, 1883. *N.P.*, III, 45-47.

<sup>2</sup>Ripon to Gladstone, Mar. 24, 1883, *R.P.*, I.S.P., BP 7/5, pp. 50-51.

<sup>3</sup>Ripon reminded him of it in his letter of Dec. 12, 1883, *ibid.* BP 7/5 (vol.II of 1883), p. 104.

<sup>4</sup>Hume never identified his contacts, and Briton Martin was skeptical about them (*New India*, 1885, pp. 70-72.)

<sup>5</sup>An unsigned letter on "Number Ten, Downing Street" stationery, addressed to Kimberley but included in the papers of another cabinet minister, the Earl of Granville, gives that impression. *Granville Papers*, Public Records Office 30, No. 29/135, p. 200.

<sup>6</sup>Ripon to Hughes, Mar. 26, 1883, *R.P.*, I.S.P., BP 7/5, p. 55.

<sup>7</sup>Ripon to Hughes, Apr. 7, 1883, *ibid.*, p. 62.

<sup>8</sup>General Roberts, who had supported the change the previous year, opposed the Bill from its introduction, urged Ripon to withdraw it, and tried to talk General Stewart into opposing it. Roberts to Captain Pole-Carew, May 8, 1883, *Roberts Papers*, National War Museum, London, No. 7101-23/97/1, p. 75. See also Roberts to Ripon, Mar. 8, 1883, *ibid.*, 97/2, p. 83.

<sup>9</sup>Ripon to Kimberley, Mar. 18, 1883, *N.P.*, III, 50/2-3. (Ripon often enclosed in his letters to Northbrook copies of letters addressed to other people.)

<sup>10</sup>*Ibid.*

<sup>11</sup>Lyall to Mortimer Durand, Mar. 10, 1883, *R.P.*, I.S.P. BP 7/6 (vol. I of 1883), p. 158. As Durand was Lyall's secretary (and later his biographer), this might sound as though Lyall were writing to his *alter ego*. However, Ripon's private secretary, Henry Primrose, was sick at this particular time, and Ripon borrowed Durand to fill in.

<sup>12</sup>Lyall to Primrose, Mar. 30, 1883, *N.P.*, III, follows p. 61. (Primrose was back on the job by the end of the month.)

<sup>13</sup>Sir Mortimer Durand, *Life of the Right Hon. Sir Alfred Comyn Lyall* (Edinburgh, 1913), p. 280.

<sup>14</sup>Lyall to Thompson, Mar. 10, 1883, *Papers of Sir Alfred C. Lyall*, I.O.L., MSS Eur. F 132, Folder 41.

<sup>15</sup>Lyall to Stephen, Apr. 3, 1883, *ibid.* See also his letter of June 29, 1883, to Stephen, *Stephen Papers*, Add. 7349/15. Woodruff (II, 73) said Ripon had felt that Lyall had let him down; perhaps he did not know of these private efforts to help. But Lyall admitted he gave "rather lukewarm support," explaining: "I have intrenched myself behind cautious proposals, and am quoted on both sides." Lord Cromer, "Sir Alfred Lyall," *Political and Literary Essays, 1908-1913* (London, 1913), p. 99. A junior official at the time, Arthur Godley (later Lord Kilbracken), took a less tolerant view, writing that Lyall had been well-known for "the morbid inability to make up his mind." *Reminiscences of Lord Kilbracken* (London, 1931), p. 169.

<sup>16</sup>Elliott to Ripon, Mar. 14, 1883, N.P., vol. III, follows p. 61.

<sup>17</sup>Elliott to Ripon, Mar. 28, 1883, R.P., I.S.P., BP 7/6 (vol. I of 1883), p. 186.

<sup>18</sup>Ripon to Kimberley, Apr. 23, 1883, N.P., vol. III. See also Ripon's cablegram to Kimberley of Apr. 16, 1883, in *Granville Papers*, No. 29/135, pp. 194-95.

<sup>19</sup>Cromer, *Political and Literary Essays*, p. 97. This essay, which appeared originally in *Quarterly Review* (July, 1913), was a review of Durand's biography of Lyall (*supra*, fn. 13), but Cromer/Baring discussed his own handling of the Bill rather more than Lyall's. This account is accepted by his biographer (Marquess of Zetland, *Lord Cromer, Being the Authorized Life of Evelyn Baring, First Earl of Cromer* [London, 1932], p. 78.) For an alternate explanation of Baring's behavior, see Lawrence P. Burns, "Evelyn Baring's Liberal Policies in Egypt and India, 1877-1885," (Cambridge University dissertation).

<sup>20</sup>Dec. 27, 1883, p. 2. (Ripon was not, of course, entirely alone; Gibbs and Ilbert were sharing the abuse.)

<sup>21</sup>Diary entry of March 26, 1883, *Papers of Sir Henry Mortimer Durand*, School of Oriental and African Studies Library, 257247.

<sup>22</sup>*Supra*, pp. 28, 51. See also Ripon to Northbrook, Mar. 5, 1883, N.P., III, 33-34, and Ripon to Kimberley, Mar. 18, 1883, *ibid.*, pp. 50/1-2. Ilbert wrote along the same lines. Ilbert to Bryce, Mar. 11, 1883, *Bryce Papers*.

<sup>23</sup>Gibbs to Ripon, Apr. 17, 1883, N.P., III, 50/1-2.

<sup>24</sup>Ripon to Northbrook, Apr. 28, 1883, *ibid.* This version is accepted by Gopal, p. 138, and Moore, pp. 37-38. *Amrita Bazar Patrika* of Aug. 2, 1883, blamed the agitation on Calcutta lawyers, but seemed uncertain whether they were abusing Hindus to cover up a poor case against the Bill, or were really indifferent to the Bill and just wanted an excuse to abuse Hindus.

<sup>25</sup>*Statutes at Large*, 24 and 25 Victoria, c. 104 (Indian High Courts Act of 1861), ss 2 and 19.

<sup>26</sup>F.H. Brown, "Sir Richard Garth", *D.N.B.*, Second Supplement, II, 85.

<sup>27</sup>p. 2.

<sup>28</sup>Lambert to Primrose, July 18, 1883, R.P., I.S.P., BP 7/6 (vol. II of 1883), p. 23.

<sup>29</sup>*Ibid.*

<sup>30</sup>Memo of Primrose, Apr. 2, 1883, *ibid.* (vol. I of 1883), p. 92. Since Evans was a spokesman for the opposition, his motives might be questioned. But he kept on good terms with the Government and never associated himself with the rabid aspects of the opposition. He saw himself as a negotiator or middleman between the Government and the Defence Association, and in that role he was to prove invaluable.

<sup>31</sup>Gibbs called the Bill "only the catspaw for the chestnuts that had been burning on the stove for a long time." Gibbs to Ripon, Mar. 23, 1883, *ibid.*, pp. 173-74. S.R. MEHROTRA, *The Emergence of the Indian National Congress* (Delhi, 1971), feels that the objections were more to

Ripon's policies than to the specific bill (p. 339).

<sup>32</sup>Note of Gibbs, Apr. 15, 1883, *R.P.*, Add. MSS 43583, pp. 44-47.

<sup>33</sup>Mar. 26, 1883, p. 3.

<sup>34</sup>SIR EDMUND C. COX, *My Thirty Years in India* (London, 1909), p. 88

<sup>35</sup>DURAND p. 281.

<sup>36</sup>G.R. ELSMIE, *Thirty-Five Years in the Punjab, 1858-1893* (Edinburgh, 1908), p. 299.

<sup>37</sup>RUDYARD KIPLING, *Something of Myself, for My Friends Known and Unknown* (London, 1909), p. 51. One biographer feels that this incident caused the young Kipling to commit himself to the Anglo-Indian viewpoint. LOUIS L. CORNELL, *Kipling in India* (London, 1966), pp. 58-61.

<sup>38</sup>KIPLING, p. 50. <sup>39</sup>For Kipling's views of the disasters awaiting a Bengali given executive authority, see his short story, "The Head of the District," in the collection published as *Mine Own People*.

<sup>40</sup>Elliott to Ripon, Apr. 14, 1883, *R.P.*, I.S.P., BP 7/6 (vol. I of 1883), p. 232.

<sup>41</sup>Elliott to Ripon, Mar. 28, 1883, *ibid.*, p. 188.

<sup>42</sup>Hansard, vol. CCLXXXIII of 3rd series, col. 1537. He meant Europeans, of course.

<sup>43</sup>Englishman, Apr. 25, 1883, p. 2.

<sup>44</sup>P.P., 1884, vol. LX, c-3877, pp. 501-514.

<sup>45</sup>Englishman, Aug. 7, 1883, p. 3.

<sup>46</sup>PP., 1884, vol. LX, c-3877, pp. 493-95.

<sup>47</sup>Ibid., pp. 425-27, 532-35.

<sup>48</sup>Ibid., 461.

<sup>49</sup>India, *Census of 1881*, I, 468-470.

<sup>50</sup>Ibid., II, 125.

<sup>51</sup>Confidential Note of Ilbert, July 25, 1883, *R.P.*, Add. MSS 43583, pp. 60-65.

<sup>52</sup>Ibid.

<sup>53</sup>Englishman, Mar. 5, 1883, p. 3.

<sup>54</sup>Ibid.

<sup>55</sup>P.P., vol. LX of 1884, c-3877, pp. 429-431, 438, and 501.

<sup>56</sup>TEMPLE, *India in 1880*, p. 56.

<sup>57</sup>THACKER'S *Indian Directory*, 1892 (Calcutta, 1892) pp. 260 and 263. The committee members were listed in the Englishman, Mar. 12, 1883, p. 1.

<sup>58</sup>European and Anglo Indian Defence Association, *Proceedings of the Meetings of the Council* (hereafter, Defence Association, *Proceedings*). Manuscript volume is in the possession of the United Kingdom Citizen's Association, Calcutta, the successor of the Defence Association.

<sup>59</sup>Englishman, Mar. 30, 1883, p. 3.

<sup>60</sup>Defence Association, *Proceedings*, Apr. 23, 1883.

<sup>61</sup>Lambert to Primrose, July 18, 1883, *R.P.*, I.S.P., BP 7/6 (vol. II of 1883), p. 25.

<sup>62</sup>Defence Association, *Proceedings*, meetings of Nov. 15, 1883, and Mar. 13, 1884.

<sup>63</sup>W.M. FRASER, *The Recollections of a Tea Planter* (London, n.d.), p. 7. This appears somewhat hyperbolic, but a scanning of the tea garden section of the *Bengal Directory* confirms the prevalence of corporate ownership of the large gardens.

<sup>64</sup>Elliott to Primrose, Dec. 8, 1883, R.P., I.S.P., BP 7/6 (vol. II of 1883), p. 173.

<sup>65</sup>Benoy Chowdhury, “Growth of Commercial Agriculture in Bengal (1757-1900)”, *Indian Studies Past and Present* (Calcutta, 1964), p. 122; DANIEL HOUSTON BUCHANAN, *The Development of Capitalistic Enterprise in India* (New York, 1934), p. 151.

<sup>66</sup>BUCHANAN, pp. 165-67; PERCIVAL GRIFFITHS, *The British Impact in India* (London, 1965), pp. 453-54.

<sup>67</sup>MICHAEL KIDRON, *Foreign Investments in India* (London, 1965), p. 5.

<sup>68</sup>ANTROBUS, *History of the Assam Company*, pp. 48-62, 137 and 154.

<sup>69</sup>GRIFFITHS, *History of the Indian Tea Industry* (London 1967), pp. 513-15.

<sup>70</sup>Compiled from pp. 305-322 and the Tea Garden section.

<sup>71</sup>This pattern was even more evident a generation later. See G.D. HOPE, “The Tea Industry of Bengal and Assam,” *Bengal and Assam, Behar, and Orissa*, Somerset Playne, comp. (London, 1917), p. 387, and AMIYA KUMAR BAGCHI, *Private Investment in India, 1900-1939* (Cambridge, 1972), pp. 172-180.

<sup>72</sup>*Englishman*, Mar. 5, 1883, p. 1; Mar. 16, 1883, p. 1; Mar. 19, 1883, p. 1.

<sup>73</sup>*Ibid.*, May 28, 1883, p. 1.

<sup>74</sup>Compiled from *Englishman*, Mar. 16, 1883, p. 1, and Mar. 19, 1883, p. 1. The rupee in Victorian times was traditionally worth about two shillings.

<sup>75</sup>*Ibid.*, Mar. 16, 19, and 22, 1883, p. 1.

<sup>76</sup>*Ibid.*, Mar. 16, 19, 22, and 29, 1883, p. 1.

<sup>77</sup>*Ibid.*, Mar. 26, 1883, p. 1.

<sup>78</sup>*Ibid.*, Mar. 16, 1883, p. 1.

<sup>79</sup>Defence Association, *Proceedings*, meetings of Aug. 10 and Sept. 10, 1883.

<sup>80</sup>*Englishman*, Mar. 8, 1883, supplement.

<sup>81</sup>H.R. PANCKRIDGE, *A Short History of the Bengal Club* (Calcutta, 1927), p. 39.

<sup>82</sup>Eden to Lord Lytton, Dec. 27, 1883, *Private Papers of the First Earl of Lytton*, Hertfordshire Record Office, D/EK/C 36.

<sup>83</sup>PP. 305-322, *passim*.

<sup>84</sup>James Finlay and Company, Limited (Glasgow, 1951), pp. 91-94.

<sup>85</sup>Ripon to Northbrook, Aug. 3, 1883, N.P., III, 169 Moreover, Arthur Hobhouse, former Law Member of the Viceroy’s Council, told Ripon the opposition of the Europeans would be insignificant “but for the support they get here” (*i.e.*, Britain) Hobhouse to Ripon, May 23, 1883, R.P., I.S.P., BP 7/5, 1884, p. 72m.

<sup>86</sup>Thompson to Ripon, Nov. 1, 1883, *Ibid.*, BP 7/6 (vol. II of 1883), p. 144c.; Defence Association, *Proceedings*, meeting of Oct. 26, 1883.

<sup>87</sup>Northbrook to Ripon, Dec. 13, *N.P.*, vol. III, pp. CXLVI-CXLVIII. See also Note 58 of Part II.

<sup>88</sup>See for instances EDWARD THOMPSON and G.T. GARRATT, *Rise and Fulfilment of British Rule in India* (Allahabad, 1962), p. 498, and R.C. MAJUMDAR, *History of the Freedom Movement in India* (Calcutta, 1962), I, 374.

<sup>89</sup>Evan's Council speech (*supra*, pp. 79); *Pioneer*, Feb. 16, 1883, p. 1, and Mar. 14, 1883, p. 2.

<sup>90</sup>*Council Proceedings* XXII, 39.

<sup>91</sup>*Hansard*, vol. CCLXXVII of 3rd series, col. 1785. See also the *Times'* opening attack, *supra*, p. 42.

<sup>92</sup>*Madras Mail*, Feb. 24, 1883, p. 2.

<sup>93</sup>*Times of India*, Mar. 1, 1883, p. 4.

<sup>94</sup>Letters of 'Britannicus', *Englishman*, Apr. 5 and Oct. 16, 1883.

<sup>95</sup>Mar. 1, 1883, p. 83.

<sup>96</sup>Mar. 15, 1883, p. 103.

<sup>97</sup>*Supra*, p. 46.

<sup>98</sup>Letter of Laurence Peel, *Times*, Aug. 13, 1883, p. 3. See also ROBERT CARSTAIRS, *The Little World of an Indian District Officer* (London, 1912), p. 209.

<sup>99</sup>Letter in *Times*, Nov 9, 1883, p. 3. He considered the trial of Indians by Europeans regrettable but necessary to the system.

<sup>100</sup>*P.P.*, Commons, vol. LX of 1884, c 3877, p. 145.

<sup>101</sup>Letter of 'Britannicus,' *Englishman*, Oct. 9, 1883, p. 2.

<sup>102</sup>*Council Proceedings*, XXII, 179.

<sup>103</sup>See for instances Minute of Judge T Muttasami Aiyar of the Madras High Court, *P.P.*, Commons, vol. LX of 1884, c-3877, p. 36, and letter of 'G,' *Pioneer*, Feb. 20, 1883, p. 6. Indians, of course, had their own socio-ethnic distinctions, but they saw no resulting in consistency.

<sup>104</sup>*Council Proceedings*, XXII, 214.

<sup>105</sup>*Bombay Gazette*, Mar. 2, 1883, p. 2.

<sup>106</sup>*Supra*, p. 81.

<sup>107</sup>See for instance Viscount Cranbrook in *Hansard*, vol. CCLXXVII of 3rd series, col. 1772.

<sup>108</sup>*Englishman*, Mar. 14, 1883, p. 3; letter of 'District Magistrate,' *Englishman*, Feb. 19, 1883, p. 2.

<sup>109</sup>*Council Proceedings*, XXII, 214-15. See *Indian Daily News*, Feb. 5, 1883, p. 2, for a similar example.

<sup>110</sup>*Pioneer*, Dec. 24, 1883, p. 5.

<sup>111</sup>Hope, "The Covenanted and the Uncovenanted Services," India, Home Dept., Public Proceedings A 106-115, June, 1882, No. 139.

<sup>112</sup>Bengal, *Quarterly Civil List for Bengal*, No. LXVII (Calcutta, 1883), pp. 305-306.

<sup>113</sup>North-Western Provinces, *Official Quarterly Civil List for the North-Western Provinces and Oudh* (Allahabad, 1883), p. 195.

<sup>114</sup>“The Covenanted and the Uncovenanted Civil Services,” Appendix C.

<sup>115</sup>*Supra*, p. 39.

<sup>116</sup>P.P., Commons, vol. LX of 1884, c-3877, p. 342. Thompson foresaw no danger of administrative difficulty in Bengal, assuming that uncovenanted Europeans would retain their jurisdiction (*ibid.*, pp. 270-71).

<sup>117</sup>*Englishman*, Feb. 15, 1883, p. 2.

<sup>118</sup>Mar. 9, 1883, p. 3, See also Appendix D, “Our Peers”.

<sup>119</sup>Mar. 22, 1883, p. 3. The *Patrika*, in the same article, sneered at the role in the campaign of “coat-hatted Asiatics,” imitation-Europeans who sought Anglo-Indian acceptance

<sup>120</sup>R.N.P., Bombay, 1883, week ending Feb. 24, p. 12. A *mlechchh* or *mleccha* is a contemptuous Indian term for an unclean foreigner or barbarian.

<sup>121</sup>Sir WILLIAM BLACKSTONE, *Commentaries on the Laws of England*, notes by George Sharswood (Philadelphia, 1882), Book 1, sect. 403.

<sup>122</sup>*Madras Mail*, Feb. 24, 1883, p. 2.

<sup>123</sup>Aug. 9, 1883, p. 2.

<sup>124</sup>Aug. 10, 1883, p. 2.

<sup>125</sup>VISCOUNT HAILSHAM, ed., *Halsbury's Laws of England*, 2nd ed. (London, 1931), I, 449.

<sup>126</sup>As early as 1800, Charles Grant, later president of the East India Company's Court of Directors, wrote that the rights which an Englishman held in England were not extended to British settlers in India. Great Britain, India Office, Home Miscellaneous Series, p. 714, quoted in AINSLEY T. EMBREE, *Charles Grant and British Rule in India* (London, 1962), pp. 167-68.

<sup>127</sup>Letter of ‘Civis Romanus,’ *Englishman*, Feb. 19, 1883, p. 2.

<sup>128</sup>Speech of Northbrook, *Hansard*, vol. CCLXXVII of 3rd series, col. 1796.

<sup>129</sup>India, *Act VII of 1853*, s. 2.

<sup>130</sup>Feb. 24, 1883, p. 2. See also *infra*, p. 188.

<sup>131</sup>*Supra*, pp. 45 and 54; *infra*, Appendix C, and *supra* p. 42, respectively.

<sup>132</sup>C.T. BUCKLAND, p. 56.

<sup>133</sup>*Englishman*, Feb. 13, 1883, p. 2. This unsigned letter concludes, as do a number of them, “I like the Natives, but. . .”

<sup>134</sup>*Englishman*, Mar. 9, 1883, p. 3. See also Opinion of the Governor of Bombay in Council, P.P., Commons, vol. LX of 1884, c-3877, p. 43.

<sup>135</sup>*Madras Mail*, Feb. 24, 1883, p. 2.

<sup>136</sup>Letter of ‘Diable,’ *Pioneer*, Mar. 15, 1883, p. 6.

<sup>137</sup>*Englishman*, Jan. 19, 1884, p. 7.

<sup>138</sup>P.P., Commons, vol. LX of 1884, c-3877, p. 8. See also the speech of Cranbrook, *Hansard*, vol. CCLXXVII of 3rd series, col. 1772.

<sup>139</sup>Letter of “Britannicus,” *Englishman*, Mar. 19, 1883.

<sup>140</sup>Whitehead, p. 205. See also the letter of E.J. Khory, a Parsi barrister, in *Times of India*, Mar. 6, 1883, p. 6, for a similar description. However, Bishop Whitehead added that Indian magistrates were less likely to be deceived by such tactics than European ones (p. 206)

<sup>141</sup>Letter of Sir Louis S. Jackson, *Times*, Mar. 21, 1883, p. 4.

<sup>142</sup>*Council Proceedings*, XXII, 164-65. Meredith Townsend took a similar approach in a letter:

Would you like to live in a country where at any moment your wife would be liable to be sentenced, on a false charge of slapping an *Ayah*, to three days' imprisonment, the Magistrate being a copper-coloured pagan, who probably worships the *Linga* and certainly exults in any opportunity of showing that he can insult white persons with impunity?

Townsend to Hughes, Mar. 30, 1883, enclosed in Ripon to Hughes, May 7, 1884. R.P., I.S.P., BP 7/5, 1884. An *ayah* is a nursemaid. *Linga* is the male phallic symbol used in Shaivite Hindu worship. Note that in all contingencies discussed by opponents of the Bill, the charge is invariably false and the European is invariably innocent.

<sup>143</sup>Letter of 'Indignation,' *Englishman*, July 5, 1883, p. 4. This might help to explain the cliche of the supposedly-imperious *memsahib*.

<sup>144</sup>P.P., Commons, vol. LX of 1884, c-3877, p. 321.

<sup>145</sup>Letter of 'Britannicus,' *Englishman*, Mar. 28, 1883, p. 2. Other letters of "Britannicus" have been cited previously; they will be discussed subsequently. *Infra.*, pp. 143-4. The protest letters were often sprinkled with "Mutiny" references, a subject never entirely absent from most Anglo Indian minds; Cawnpore was the town where the bodies of slain British prisoners were stuffed down a well.

<sup>146</sup>Ripon to Kimberley, Mar. 4, 1883, R P., I.S.P., BP 7/3, pp 65ff.

<sup>147</sup>C.H.T. Crosthwaite, Chief Commissioner of British Burma, P.P., Commons, vol. LX of 1884, c-3877, p. 385.

<sup>148</sup>*Council Proceedings*, XXII, 140. See also Kimberley's speech in the Lords, *Hansard*, vol. CCLXXVII of 3rd series, col. 1766.

<sup>149</sup>Mar. 5, 1883, quoted in *R.N.P.*, Bengal, 1883 p. 101.

<sup>150</sup>By coincidence, the *Madras Mail*, at the height of the controversy, happened to reprint an article on the problem of perjury in the courts of England at that time. Mar. 8, 1883, p. 6.

<sup>151</sup>P.P., Commons, vol. LX of 1884, c-3877, p. 151. See also Note of Brajendranath De, *ibid.*, p. 206, and *Hindu*. Mar. 29, 1883, p. 125.

<sup>152</sup>India, *Act X of 1882*, s. 445. It will be recalled that under section 443 a magistrate lacking jurisdiction could not "inquire into charges against a European British subject."

<sup>153</sup>*Ibid.*, s. 451A.

<sup>154</sup>*Ibid.*, ss. 11 and 13.

<sup>155</sup>*Ibid.*, ss. 54 and 61.

<sup>156</sup>P.P., vol. LX of 1884, c-3877, p. 39.

<sup>157</sup>For instances, see Evan's March 9 Council speech (*supra*, p. 79) and Keswick's Town Hall speech (*Infra*, Appendices C and D). Even Sir Richard Burton once characterized the Indian as "a dangerous,

dark and deep-seeing plotter". (*Sind Revisited*, quoted in Bolt, p. 833).

<sup>158</sup>Letter of 'IGY,' *Bombay Gazette*, Mar. 16, 1883, p. 3.

<sup>159</sup>Cox, p. 89.

<sup>160</sup>P.P., Commons, vol. LX of 1884, c-3877, pp. 268-69.

<sup>161</sup>See for instances the letter of John Beames, *ibid.*, p. 200, and the opinion of Judge Elsmie, of the Punjab Recorder's Court, *ibid.*, p. 303. Owen Burne said a white face was a neutral face in India, around which Natives of every creed and race could rally (*Memories*, p. 264.)

<sup>162</sup>*Spectator*, Feb. 10, 1883, p. 176.

<sup>163</sup>Minute of Judge Raymond West, of the Bombay High Court, P.P., Commons, vol. LX of 1884, c-3877, p. 53.

<sup>164</sup>Madras correspondent of the *Pioneer*, Mar. 21, 1883, p. 3.

<sup>165</sup>*Statesman*, Feb. 9, 1883, p. 2; *Shivaji*, Feb. 16. 1883. quoted in R.N.P., Bombay, 1883, week ending Feb. 24, p. 12.

<sup>166</sup>P.P., Commons, vol. LX of 1884, c-3877, p. 271.

<sup>167</sup>*Ibid.*, p. 144. Charles A. Turner, Chief Justice of the Madras High Court, recognized the need for an extension of the jurisdiction, but even he felt that many lacked the needed firmness and independence (*ibid.*, p. 279).

<sup>168</sup>Mar. 5, 1883, p. 2. See also the letter of 'Diable,' *Pioneer*, Mar. 15, 1883, p. 6, and, in retrospect, L.S.S. O'MALLEY *The Indian Civil Service, 1601-1930* (London, 1931), pp. 105-106.

<sup>169</sup>Letter of 'Britannicus,' *Englishman*, Apr. 6, 1883, p. 2.

<sup>170</sup>Letter of 'A Mofussilite,' *Madras Mail*, Feb. 28, 1883, p. 2.

<sup>171</sup>Fergusson to Ripon, Mar. 4, 1883, R.P., I.S.P., BP 7/6 (vol. I of 1883), p. 148a.

<sup>172</sup>Fergusson to Ripon, Apr. 2, 1883, *ibid.*, p. 200.

<sup>173</sup>P.P., Commons, vol. LX of 1884, c-3877, p. 343.

<sup>174</sup>*Ibid.*, p. 30.

<sup>175</sup>*Ibid.*

<sup>176</sup>Minute of Chief Justice Robert Stuart, *ibid.*, pp. 279-280. See also the letter of 'B.F.,' *Madras Mail*, Mar. 5, 1883, p. 3.

<sup>177</sup>"Lord Ripon's Small Measure," *Blackwood's*, CXXXIV (July, 1883), 130-32.

<sup>178</sup>P.P., Commons, vol. LX of 1884, c-3877, p. 272.

<sup>179</sup>*Hansard*, vol. CCLXXVII, col. 1751. See also the opinion of W.B. Jones, Chief Commissioner of the Central Provinces, P.P., Commons, vol. LX of 1884, c-3877, p. 381.

<sup>180</sup>*Council Proceedings*, XXII, 159. Some Englishmen scoffed at the idea that a few years in college could familiarize an Indian with the English. See the letter of John Beames, P.P., Commons, vol. LX of 1884, c-3877, p. 198, and that of H.H. Risley, quoted in *ibid.*, pp 168-69.

<sup>181</sup>Feb. 19, 1883, p. 2. Compare this with the *Englishman*, which felt that the main barrier was racial (*supra*, p. 120).

<sup>182</sup>Letter of H.C. Thorpe Robinson, P.P., Commons, vol. LX of 1884, c-3877, p. 381. Did he mean that only Cockneys were competent to try Cockneys? By logical extension, only Sindhis should try Sindhis,

only Santhals should try Santhals, etc. This would have created a considerable administrative difficulty.

<sup>183</sup>*Englishman*, Mar. 6, 1883, p. 3.

<sup>184</sup>*Statesman*, Mar. 8, 1883, p. 2.

<sup>185</sup>*P.P.*, Commons, vol. LX of 1894, c-3178, p 301. For a strong statement on this point, see that of the Lord Chancellor, *infra*, p. 188.

<sup>186</sup>Minute of Judge Robert Hall Pinhey, *P.P.*, Commons, vol. LX of 1884, c-3877, pp. 90-91. But the *Statesman* published three pseudonymous letters, purportedly for *mufassal* Europeans, who said they would rather be tried by Indians, who usually knew the law better, than by inexperienced Europeans. These were the letters of "European and Official Mofussilite," Mar. 1, 1883, p. 2; "Not An Official," Mar. 2, 1883, p. 2, and "Englishman and Attorney," Mar. 12, 1883, p. 2. Of course, such Europeans could always have waived their privilege.

<sup>187</sup>Letter of Pandit Ram Narain, secretary of the Indian Association. *P.P.*, Commons, vol. LX of 1884, c-3877, p. 328; Bipin Chandra Pal, *Memories of My Life and Times* (Calcutta, 1932), I, 409.

<sup>188</sup>*Subodh Patrika*, Mar. 11, 1883, quoted in *R.N.P.*, Bombay, 1883, week ending Mar. 17, p. 18 See also *Native Opinion* (Bombay), Feb. 18, 1883, *ibid.*, week ending Feb. 24, p. 11, and Minute of Judge Nanabhai Haridas of the Bombay High Court, *P.P.*, Commons, vol. LX of 1884, c-3877, p. 88.

<sup>189</sup>*P.P.* 7-8. For an amusing tale of an attempt by a Civilian to cheat on the language examination, see the poem by "Aliph Cheem" (W. Yeldham), "My Moonshee," in *Lays of Ind* (Calcutta, 1883), pp. 35-39.

<sup>190</sup>Section 11 of the Criminal Procedure Code (*Act X of 1882*) gave the powers of District Magistrate to anyone temporarily in charge of a district. Section 444 gave certain presiding Assistant Sessions Judges the powers of a Sessions Judge.

<sup>191</sup>The Covenanted and Uncovenanted Civil Services," *Hope Papers*, II, 85; H.V. Lovett in *Cambridge History of India*, VI, 370.

<sup>192</sup>Ripon to Cross, Apr. 9, 1883, *R.P.*, ISP., BP 7/3, p. 104.

<sup>193</sup>*Supra*, p. 25.

<sup>194</sup>Ripon to Cross, Apr. 9, 1883, *R.P.*, I S.P., BP 7/3, p. 103.

<sup>195</sup>*Supra*, p. 13.

<sup>196</sup>*Hansard*, vol. CCLXXVII of 3rd series, col. 1752.

<sup>197</sup>*P.P.*, Commons, vol. LX of 1884, c-3877, p. 145.

<sup>198</sup>*Statutes at Large*, 21 George III, c. 70 (Amending Act of 1781). However, this law specified only family matters (section 18).

<sup>199</sup>India, *Act IV of 1882* (Civil Procedure Code), clauses 640 and 641. Stephen noted that the wife of the Viceroy could be compelled to testify in a manner from which a low-ranking Muslim woman would be excused (*Times*, Mar. 1, 1883), p. 8. See also *Pioneer*, Feb. 15, 1883, p. 2.

<sup>200</sup>These arguments may be found in Mitter's Minute, *P.P.*, Commons, vol. LX of 1884, c-3877, p. 147; letter of Nawab Abdool Luteef, *ibid.*, p. 223.

<sup>201</sup>*Hansard*, vol. CCLXXVII of 3rd series, col. 1723.

<sup>202</sup>*Correspondence Between a Hindu Raja, a Revd. Father and a Member of Parliament on the Policy of Lord Ripon* (Calcutta, 1884), pp. 40-41. This is a reprint of a series of letters which first appeared in the *Indian Mirror*.

<sup>203</sup>*Englishman*, Aug. 7, 1883, p. 3; Note of Francis C. Barnes, a secretary of the Bengal Government, Jan. 9, 1883, R.P., Add. MSS 43583, pp. 147 ff. The Bengal Government had opposed the granting of special exemptions in such cases, which occasioned the note.

<sup>204</sup>Apr. 2, 1883, p. 160.

<sup>205</sup>*Supra*, pp. 42 and 64.

<sup>206</sup>Letter of A. McL. Carter, Late Lt., Royal Navy, *Englishman* Feb. 28, 1883, p. 2.

<sup>207</sup>Letter of "T.W.M.," *ibid.*, Feb. 24, 1883, p. 2. Literature of the day was full of the noble purpose of the "white man's burden" by which the British justified their empire. See J. A. CRAMB, *Origins and Destiny of Imperial British* (New York, n.d.), pp. 234-37, for a near-contemporary example and Hutchins, *The Illusion of Permanence*, ch. 2 *passim*, for a retrospective study

<sup>208</sup>Mar. 8, 1883, p. 94.

<sup>209</sup>Apr. 5, 1883, pp. 3-4. The odds were a bit shorter, according to the census data. Perhaps a mere 2,500 to one.

<sup>210</sup>*Ibid.* See also *Ananda Bazar Patrika* (Calcutta), Apr. 16, 1883, quoted in *R.N.P.*, Bengal, 1883, p. 176. This view was shared by at least one British scholar, John Robert Seeley, then Professor of Modern History at Cambridge University. For a discussion of Seeley's ideas, see C.A. BODELSEN, *Studies in Mid-Victorian Imperialism* (London, 1960), esp. p. 170.

<sup>211</sup>*Council Proceedings*, XXII, 173. See also *supra*, p. 122.

<sup>212</sup>A Mr. Littlewood at the Eastern Railway Institute meeting, *Englishman*, Mar. 6, 1883, supplement. See also Mackenzie's Madras speech, *supra*, p. 54, and the letter of F. Fletcher, Hon. Secretary of the Malabar Chamber of Commerce, *P.P.*, Commons, vol. LX of 1884, c-3877, p. 9.

<sup>213</sup>Feb. 26, 1883, p. 2.

<sup>214</sup>*Ibid.*, Mar. 9, 1883, p. 3. For a study of the Anglo-Indian self-image in literature, see ALLEN J. GREENBERGER, *The British Image of India* (London, 1969), pp. 14-79 *passim*.

<sup>215</sup>*P.P.*, Commons, vol. LX of 1884, c-3877, p. 32. According to one near-contemporary (1897) view, the Englishman in India had to behave like a demigod; any weakening of confidence in him by either the Indians or his own people would be dangerous. Sir CHARLES W. DILKE and S WILKINSON, *Imperial Defence*, quoted in V.G. KIERNAN, *The Lords of Human Kind: Black Man, Yellow Man and White Man in An Age of Empire* (Boston, 1969), p. 55.

<sup>216</sup>Letter of 'A Village Hampden,' *Hindu*, Apr. 12, 1883, p. 148.

<sup>217</sup>*Hindoo Patriot*, Mar. 26, 1883, p. 150.

<sup>218</sup>*Supra*, pp. 42 and 79.

<sup>219</sup>*Hansard*, vol. CCLXXVII of 3rd series, cols. 1800-1801. This was the third intercontinental ricochet for this argument. Miller and the Chamber of Commerce had based it on the *Times* accounts, which had grown out of Macgregor's dispatch from Calcutta.

<sup>220</sup>*Ibid.* See also Lytton's speech, *ibid.*, col. 1752.

<sup>221</sup>Mar. 7, 1883, p. 2

<sup>222</sup>Letter of 'Ex-Planter,' *Pioneer*, Mar. 7, 1883, p. 4.

<sup>223</sup>*Englishman*, Apr. 25, 1883, p. 2. See also the Bengal Chamber of Commerce resolution, *supra*, p. 54.

<sup>224</sup>*Ananda Bazar Patrika*, Mar. 26, 1883, quoted in *R.N.P.*, Bengal, 1883, p. 2.

<sup>225</sup>Mar. 15, 1883, p. 2.

<sup>226</sup>*Ibid.*, Mar. 1, 1883, p. 6; *Hindu*, Mar. 8, 1883, p. 92. This is borne out by figures on long-term capital investment given by Sir George Paish in *Statist Supplement*, Feb. 14, 1914, quoted by Herbert Feis in *Europe, The World's Banker, 1870-1914* (New York, 1965), p. 23.

<sup>227</sup>Feb. 9, 1883, p. 2. The 'indigo riots' occurred around 1860 when peasants protested alleged brutality and injustice by European planters.

<sup>228</sup>Feb. 8, 1883, p. 2.

<sup>229</sup>*Times*, June 26, 1883, p. 10. Ilbert observed that the London and Liverpool chambers of commerce did not consider the Bill commercially important enough to take a position on it. Ilbert to Bryce, May 12, 1883, *Bryce Papers*.

<sup>230</sup>*Times*, June 26, 1883, p. 9.

<sup>231</sup>*Financial and Commercial Statistics for British India*, quoted in RADHE SHAYAM RUNGTA, *The Rise of Business Corporations in India* (Cambridge, 1970), p. 299.

<sup>232</sup>Another sort of economic argument was suggested by an anonymous author who felt that what really concerned European lawyers was that their practices, and therefore their livelihoods, depended on the occupation of the benches by European judges. "A Native of India," *The Criminal Procedure Code Bill and the Anglo-Indian Agitation*, (n.p., n.d.), p. 51.

<sup>233</sup>Letter of "An Officer of That Army Which Enables Radical Politicians to Make Laws in India," *Englishman*, Mar. 7, 1883, p. 2.

<sup>234</sup>H.P. MODY, *Sir Pherozeshah Mehta, A Political Biography* (Bombay, 1921), I, 126.

<sup>235</sup>Aug. 4, 1883, p. 492.

<sup>236</sup>*Bound to Exile: The Victorians in India* (New York, 1969), pp. 196-97.

<sup>237</sup>*Prospero's Magic: Some Thoughts on Class and Race* (London, 1962), p. 22. For an incisive recent study along the same lines, see BENITA PARRY, *Delusions and Discoveries: Studies on India in the British Imagination, 1880-1930* (Berkeley, 1972), esp. pp. 208-214.

<sup>238</sup>*Supra*, pp. 41-50.

<sup>239</sup>S.C. Sanial, "Pillars of Indian Journalism," *Journal* (Sunday edition of the *Statesman*), Apr. 12, 1908, p. 7.

<sup>240</sup>*Englishman*, Apr. 28, 1883, p. 2.

<sup>241</sup>p. 4.

<sup>242</sup>See for instances his columns in the *Times* of Mar. 26, 1883, p. 3; Apr. 16, 1883, p. 5; June 18, 1883, p. 7, and June 25, 1883, p. 5. Macgregor's dispatches in subsequent years continued to antagonize Indian leaders. A meeting was held in Bombay in 1885 to discuss ways of counteracting his campaigns. *Bombay Gazette Overseas Summary*, Jan. 25, 1885, quoted in Martin, pp. 46-47.

<sup>243</sup>Ilibert to Bryce, Apr. 15, 1883, *Bryce Papers*.

<sup>244</sup>Note of Gibbs, Apr. 15, 1883, *R.P.*, Add. MSS 43583, pp. 44-47.

<sup>245</sup>C.E. Buckland, *Bengal Under the Lieutenant-Governors* (Calcutta, 1901), p. 797.

<sup>246</sup>*Supra*, p. 138.

<sup>247</sup>Pp. 6-7.

<sup>248</sup>May 26, 1883, p. 6; June 30, 1883, pp. 6-7.

<sup>249</sup>P. 7.

<sup>250</sup>P. 7.

<sup>251</sup>*Statesman*, Dec. 5, 1883, p. 2.

<sup>252</sup>*Englishman*, Apr. 26, 1883, p. 2. The *zenana* was the women's quarters in well-to-do homes of traditional Muslims and some Hindus.

<sup>253</sup>Several 'Britannicus' letters have already been sampled. *Supra*, pp. 117, 122, 123, and 127.

<sup>254</sup>P. 2.

<sup>255</sup>*Englishman*, Mar. 19, 1883, p. 2.

<sup>256</sup>*Ibid.*, Mar. 26, Mar. 27, Mar. 29, and Mar. 30, 1883, each on p. 2.

<sup>257</sup>Mar. 22, 1883, pp. 5-6.

<sup>258</sup>Thompson to Ripon, May 29, 1883, *R.P.*, Add. MSS 43594. Actually, the forensic style of argument and the frequent use of classical phrases and references strongly suggest that the author was a barrister. But no proof was ever uncovered.

<sup>259</sup>Thompson to Lyall, Apr. 3. 1884, *Lyall Papers*, Folder 41,

<sup>260</sup>Letter of 'Verbum Sap,' *Englishman*, Feb. 27, 1883, p. 2.

<sup>261</sup>Letter of 'One of Them,' *ibid.*, Mar. 3, 1883, p. 2. Bleeck, the German consul, spoke at the Town Hall meeting.

<sup>262</sup>*Ibid.*, Mar. 10, 1883, p. 1.

<sup>263</sup>M.D. JAPHETH, *The Jews of India, A Brief Survey* (Bombay, 1966), pp. 3,4.

<sup>264</sup>There are no figures available, but there were substantial numbers both of those who qualified and those who did not.

<sup>265</sup>*Englishman*, Mar. 10, 1883, p. 1 Madge, in fact, was appointed salaried Assistant Secretary. Defence Association, *Proceedings*, Mar. 31, 1883.

<sup>266</sup>*Hindoo Patriot*. Apr. 9, 1883, p. 170,

<sup>267</sup>*Amrita Bazar Patrika*, Aug. 23, 1883, p. 6. White had, a year earlier, urged his fellow-Eurasians to consider India their permanent home and sink their roots there. *Athenaeum and Daily News* (Madras), Oct. 8, 1882, quoted in RAMANATHAN SUNTHARALINGAM, *Politics and Change in Madras Presidency, 1884-1894* (University of London dissertation, 1966), p. 120.

<sup>268</sup>BRUCE TIEBOUT McCULLY, *English Education and the Origins of Indian Nationalism* (New York, 1940), pp. 327-28.

<sup>269</sup>Mar. 3, 1883, p. 4.

<sup>270</sup>*Supra*, pp. 49, 50, and 67.

<sup>271</sup>*Bombay Gazette*, Mar. 10, 1883, p. 5.

<sup>272</sup>*Supra*, pp. 73, 78, and 84.

<sup>273</sup>P.P., Commons, vol. LX of 1884, c-3877, pp. 260, 264; Zafar ul Islam and Joel Woldman, "Indian Muslims and the Ilbert Bill," *Journal of the Asiatic Society of Pakistan*, vol. VIII, No. 2 (December, 1963), pp. 145-47. Islam and Woldman concluded that most Muslim leaders favored the Bill, and that those who did not were traditionalists who did not stand to gain by it (*ibid.*, p. 154).

<sup>274</sup>P.P., Commons, vol. LX of 1884, c-3877, pp. 329-331, 332-336, and 548.

<sup>275</sup>R.N.P., Bombay, 1883, week ending March 3, p. 12. ,

<sup>276</sup>*Ibid.*, week ending March 10, p. 15; week ending March 17, p. 11.

<sup>277</sup>*Ibid.*, week ending April 7, p. 20.

<sup>278</sup>*Ibid.*, Madras, 1883, March, pp. 9, 12-15.

<sup>279</sup>J.C. MASSELOS, *Towards Nationalism* (Bombay, 1974), p. 213.

<sup>280</sup>Fergusson to Ripon, Apr. 2, 1883, R.P., I.S.P., BP 7/6 (vol. I of 1883), p. 198.

<sup>281</sup>Duff to Ripon, Apr. 10, 1883, *ibid.*, p. 276.

<sup>282</sup>Lyall to Ripon, July 7, 1883, *ibid.* (vol. II of 1883).

<sup>283</sup>KENNETH W. JONES, *Arya Dharm, Hindu Consciousness in 19th Century* (Berkeley, 1976), pp. 63 and 243.

<sup>284</sup> P.P., Commons, vol. LX of 1884, c-3877, pp. 331-32, 456-57, 496, 514-17, and 536-541, and c-3852, pp. 456-57.

<sup>285</sup>*Ibid.*, c-3877, pp. 468-491 *passim*. Even 'Britannicus' had to admit that these were "enemies who were not to be despised". Quoted in Mody, I, 134-35.

<sup>286</sup>P.P., Commons, vol. LX of 1884, c-3952, p. 49.

<sup>287</sup>May 23, 1883, p. 2. See also the Tyabji letter, *supra*, p. 73.

<sup>288</sup>Quoted in RAMANATHAN SUNTHARALINGAM, *Politics and the National Awakening in South India, 1852-1891* (Tucson, 1974), p. 238. See also S.R. MEHROTRA, *The Emergence of the Indian National Congress* (Delhi, 1971), p. 350.

# 4

## A Summer of Discontent

### 1. The Growing Rift

SINCE the 1860s, the Government of India had fled the heat and humidity of Calcutta each summer for the cool heights of Simla. There it functioned, but largely on a caretaker basis. A truncated Council met to transact routine business, but major decisions were deferred for the full meetings in Calcutta. In 1883 Ripon, concerned about his wife's health, left early, on March 12. His stay in Simla was followed by an official tour of Kashmir and the Punjab, so that he did not return to Calcutta until December 1. This left India most of a year to stew over the Ilbert Bill.

Discontent fed upon itself. Friendships were ruptured, and reputations blasted. Agitation and counteragitation developed, exchanging arguments like artillery salvos. Lambert, head of Calcutta police intelligence, observed:

The feeling is deep and intense, and it is impossible to be in Calcutta even for a few days and ignore it. . . . Friendly intercourse between Natives and Europeans, who were formerly friends, has received a sad shock. . . . Natives are not certain that they will be well-received; they feel that a bar has arisen between them and their European friends; therefore they hold aloof.<sup>1</sup>

At least one attempt was made to stem this growing ill-will.

Henry Harrison, Calcutta's Police Commissioner and chairman of the Municipal Corporation, and Henry J.S. Cotton, secretary to the Bengal Revenue Board and one of the few known liberals in the Civil Service, held a dinner. To it they invited leading European and Indian gentlemen and made speeches upholding the idea of racial equality.<sup>2</sup> In that time and place, it was a brave gesture.

#### (A) Louis Jackson and Bartle Frere

New entrants into the fray were cheered on by one side and shrilly assailed by the other. When word of Sir Louis Jackson's letter (*supra*, p. 122) reached India, the *Hindoo Patriot* mourned the fact that the High Court judge known as "the guide and friend of the Native judiciary" had impugned the probity of Indian judges.<sup>3</sup> In December of 1883, Sir Bartle Frere, who in 1867 had retired as Governor of Bombay to the plaudits of Europeans and Indians alike, wrote that the Bill would remove provisions from the legal code needed to insure a fair trial for Europeans. It would legalize what he called "the indiscriminate trusting of high judicial powers" over "alien races" to men not qualified for them by "education, ability, or integrity."<sup>4</sup> In reply, newspapers retrospectively attacked Frere as a hypocrite and blamed him for jailing thousands of indigo growers in 1861, arranging the unjust annexation of the state of Satara, and leading Bombay into an orgy of ruinous speculation.<sup>5</sup>

#### (B) The Case of Barrister Branson

Of all of the Town Hall speakers, James H.A. Branson had the most to lose in the growing rift. Born in India, scion of a prominent Anglo-Indian family, much of his lucrative law practice came from Indians. The day after his Town Hall speech, a leading Bengali *vakil* (solicitor) refused to discuss a brief with him.<sup>6</sup> The next morning (March 3), all three Anglo-Indian papers of Calcutta carried a letter from Branson in which he said he had been carried away by the enthusiasm of the meeting. He regretted and apologized for using unjustifiably and personally offensive language, and no one was more

grieved by it than he himself.<sup>7</sup>

The apology was not accepted. The *Hindoo Patriot* said the language of his speech had been insulting and "beneath contempt."<sup>8</sup> *Amrita Bazar Patrika* professed bewilderment, since Branson had had a reputation of being friendly toward Indians; it showed that "a man may smile and yet be a—!"<sup>9</sup> His apology was seen as the act of a 'lion' slinking away with his tail between his legs.<sup>10</sup> Indian attorneys met, declared the apology insufficient, and resolved "to hold no further communication with Mr. Branson, professional or otherwise."<sup>11</sup> This in turn led the European Bar to consider a counter-boycott of the *vakils*.<sup>12</sup> A spate of letters to the *Englishman* declared that the Bengalis' boycott demonstrated their 'vindictive character', that Europeans should boycott all Indian legal advisors, and that all should 'rally round' their champion by sending general retainers to Branson.<sup>13</sup> Nevertheless, several months later Branson pulled up stakes and left India.

#### (C) John Beames and Brajendranath De

No Civilian expressed more forthright anti-Bill views than John Beames, Commissioner of Bengal's Burdwan Division.<sup>14</sup> Beames stated he had never seen an Indian fit for any post higher than Deputy Collector. The Bill was the "last straw" for Englishmen, already humiliated by having "natives placed on a level with themselves." It was sought only by a new class of natives, which, though few, "have become by their unreasonable and unsatisfied longing for power, and by their morbid discontent and disloyalty, a serious danger to the stability of our rule in India."<sup>15</sup> Their complaints were, in his eyes, "nothing but place-hunting and power-hunting, more or less artfully disguised."<sup>16</sup>

Beames submitted these views, along with those of his subordinates, when the Government asked all officials routinely for their opinions on the Bill. Equally forthright was his Bengali subordinate, Brajendranath De, Joint Magistrate of Hooghly District. De held that an Indian was quite capable of understanding and judging a European, and no one had shown otherwise. The Europeans' wish to be tried by European magistrates, he opined, was rather because they assumed

such magistrates were "thoroughly imbued with the idea that a European can do no wrong."<sup>17</sup> Beames sent this note along to the Government of Bengal, but to it he attached a comment:

Mr. De entirely fails, in my opinion, to see the real point at issue, and there is a tone of dislike to Europeans, and almost disrespect towards Government, that augers badly for the future of this class, if they get the power they desire into their hands. I look upon this letter as one of the strongest arguments against Mr. De's view of the case that could be imagined.<sup>18</sup>

In later years, De felt that his expected promotions were being mysteriously blocked. Upon inquiry, he was told that unnamed officers under whom he had served had given adverse opinions of him. De knew of Beames's comments, and he always felt it was Beames and the Ilbert Bill affair which had blighted his career.<sup>19</sup>

John Beames was in many ways a splendid example of a Civilian. He had a genuine scholarly interest in the grammar and philology of Indian languages.<sup>20</sup> To Philip Woodruff, he was the "clodhopping collector," "honest as the day," courageous, pugnacious, warmhearted, "hot in defence of the oppressed."<sup>21</sup> But the Ilbert Bill controversy showed him in a less benevolent light.

#### (D) The Bombay Chamber of Commerce

If any organization could have served as an inter-racial bridge, it was the Bombay Chamber of Commerce. Unlike the Calcutta and Madras chambers, it had Indian as well as European members, a reflection of the fact that the commerce of the Bombay Presidency had been the joint development of the capital and entrepreneurship of Europeans and Parsi, Muslim and Hindu Gujarati business communities. Bombay, unlike Bengal and Madras, had no large planter class, and the *Times of India* was never swept up in the agitation as completely as the leading European papers in other regions of India.

In response to the request from Calcutta, the Bombay chamber called a special meeting on the Bill for March 6.

When the meeting opened, Nanabhoy Byramjee Jeejeebhoy, one of five Indians attending, objected that the subject was not a proper one for Chamber action, and he demanded that a letter of his be read. The chairman, James Thorburn ruled that the Bill was a proper subject and refused to read the letter.<sup>22</sup>

A resolution condemning the Bill was introduced, citing the usual range of reasons. Speeches were made along the lines of those delivered in Calcutta, according to the *Bombay Samachar*.<sup>23</sup> Jeejeebhoy pleaded with the European members to preserve the harmony of the Chamber. It was, he said, the first time a racial issue had come before the Chamber since he had joined in 1865. A fellow-Parsi, Sorabjee Framjee Patel, objected that the action would neither affect the interests of the mercantile community in general nor promote friendly feeling among men of commerce, which were the purposes of Chamber. A vote was taken. Not one European sided with the Indians. Jeejeebhoy and Patel then protested that the meeting had not been properly called, and that they had not been properly notified of it. European members shouted “absurd” and “nonsense,” and with that the abrasive meeting broke up.<sup>24</sup>

#### (E) Annette Beveridge

A dramatic example of the widening racial rift was the case of Annette Beveridge. In 1872, Annette Akroyd, inspired by an appeal from Keshub Chunder Sen, the Brahmo Samaj leader, arrived in Calcutta, determined to carry Western education to the women of India.<sup>25</sup> A liberated woman of her day, she was the houseguest of Manmohan Ghose, a Bengali barrister whom she had befriended in England, and she was appalled at the narrow racist attitudes of Anglo-Indian women. Miss Akroyd opened her school for Indian women, but for two years she felt like “an almost solitary sniper attacking a fortress,” as her son later wrote.<sup>26</sup> So she closed the school and married Henry S. Beveridge, another of the rare liberals in the I.C.S., and moved to Bihar, where he was a District and Sessions Judge.

Despite her disappointment, Mrs. Beveridge helped her husband in his efforts to further inter-racial understanding and

friendship. Consequently, it came as a shock when this liberal and idealistic woman denounced the Ilbert Bill as a "new terror" added to the lives of Englishwomen in India. In a letter to the *Englishman*, she, too, recalled the Mutiny:

Six-and-twenty years have not elapsed since. . . the most active classes of northern India proved that they did not understand what is meant by justice and mercy to the innocent and helpless. Six-and-twenty years do not suffice to change national characteristics or to educe from savages the qualities, at once strong and delicate, which make good Judges.

. . . In this discussion the ignorant and neglected women of India rise up from enslavement in evidence against their masters. They testify to the justice of the resentment which Englishwomen feel at Mr. Ilbert's proposal to subject civilised women to the jurisdiction of men who have done little or nothing to redeem the women of their own races, and whose social ideas are still on the outer verge of civilisation.<sup>27</sup>

"Really, the times are out of joint," responded the *Hindoo Patriot*. Recalling Mrs. Beveridge's educational and social activities, it said: "We did not know that all this while she was thinking of the natives as 'savages' devoid of the 'qualities which make good Judges'."<sup>28</sup> The Beveridges went on home leave that summer, and Mrs. Beveridge was taken to task by friends in England. But she would not back down, and in private letters repeated and embellished her charges.<sup>29</sup> Her husband, who favored the Bill, returned to India the next year and wrote to her of the growing friction between Indians and Europeans. In 1888 the disillusioned lady wrote to him that she no longer felt it the noblest of causes to give over one's entire life for the betterment of India. "There are things and classes in India which have brushed out all my poetry about her people," she said.<sup>30</sup>

#### (F) The Rajah and the M.P.

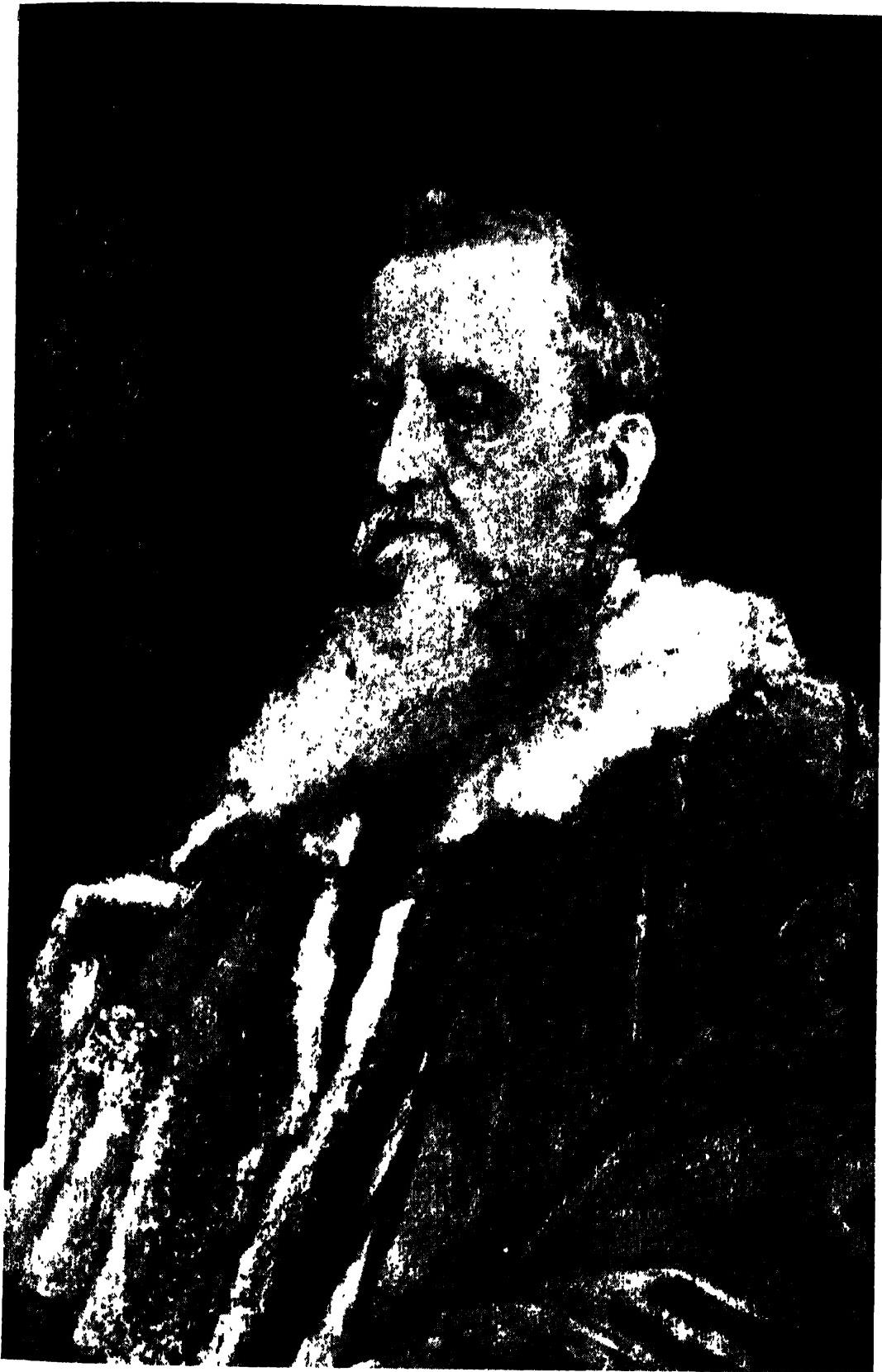
D.M. Macfarlane, M.P., was a Liberal by party, but he was

also senior partner of Begg, Dunlop, one of the giant agency houses of Calcutta. He asked Cross critical questions in the Commons and wrote to the *Times* opposing the Bill.<sup>31</sup> Macfarlane travelled to India in the winter of 1883, hoping to rally conservative Indian opposition to the Bill. In Calcutta he asked a local Jesuit to put him in touch with some likely local leaders. Rajah Rajendra Narain Deb was a man of unimpeachable loyalty to the *Raj*. Early in the year he had given a party to celebrate the British victory in Egypt, just as his father had given one to celebrate the suppression of the Mutiny.<sup>32</sup> But when Macfarlane and the Rajah began corresponding through the intermediary, the Very Rev. E. Lafont, the Rajah was discovered to be a stout defender of the Bill. He was not impressed by Macfarlane's arguments about the privileges due the conquering race or the need for Indians to drop caste distinctions if they wished to claim legal equality. The exchange concluded with an impassioned letter from Rajendra Narain Deb on January 1, 1884, in which he warned that the British must mend their ways and reform their institutions. He prophesied:

The knowledge now diffused and diffusing, throughout India, will shortly constitute a power which 300,000 British bayonets will be unable to control. . . If you persevere in merciless exactions and in enforcing the doctrine of passive obedience —if your domestic policy be a system of expedience, and the object of your foreign policy, military supremacy, the day may not be far distant when you feel, in disappointment and disgrace, how feeble is physical, compared with moral, power; and in the downfall of the magnificent empire of India.<sup>33</sup>

## 2. The Official Opinions

In Simla, Ripon apprehensively awaited the official opinions on the Bill from the local governments. In Calcutta, the Defence Association awaited those same opinions, but with full confidence. Its spokesmen could not imagine support for the



*First Marquess of Ripon*  
*Viceroy and Governor-General of India, 1880-84*  
*(National Portrait Gallery, London)*



*Sir Evelyn Baring, later the Earl of Cromer, a key member of Ripon's Executive Council in 1883* (National Portrait Gallery, London)



*William E. Gladstone, Prime Minister in 1883* (National Portrait Gallery, London)



*The Marquess of Salisbury, leader of Opposition, who did not want Englishmen  
judged by "black man" (National Portrait Gallery, London)*



*Robert Knight*  
*Veteran Editor of the Statesman*



*Courtenay P. Ilbert*  
*Author of the Criminal Jurisdiction Bill*  
*(National Portrait Gallery, London)*



The old Town Hall, Calcutta  
scene of a tumultuous 1883 meeting, it had been converted into Municipal Offices  
on Jan 1070.

Bill extending beyond "the small number of Bengali agitators" and "a few satellites which still revolve around the sun in Simla."<sup>34</sup> They claimed that Ripon, in his Council speech, had promised to abide by official and non-official opinion on the Bill.<sup>35</sup> (What he had actually said, though, was that those opinions would be given "the fullest weight and most deliberate consideration."<sup>36</sup> The difference was crucial, but apparently neither the Government nor the Association ever issued a correction.)

The opinions trickled in during May, June and July of 1883.<sup>37</sup> The provincial governments, caught between viceregal wishes and agitated local 'constituents', showed little enthusiasm for the Bill, but few asked for complete withdrawal, which Ripon had feared. Some realized that a change in the law was necessary, while others saw a dangerous precedent in the Viceroy's yielding to a noisy clamor.

Fergusson and the Bombay Council, for instance, felt a change in the law was needed, but they also recognized the fears of the Europeans, some of which they considered justified. So they proposed an intricate compromise: give the criminal jurisdiction to all District Magistrates and Sessions Judges, but also give the Europeans additional safeguards: the right to a jury trial, with a European-majority jury, in all Sessions Courts, and the right to a mixed bench of Indian and European magistrates at the magisterial level.<sup>38</sup> Jury trial in India in 1883 was a matter of local option. In general, the three original presidencies had adopted it for their more developed and populous districts.<sup>39</sup> In jury districts the principle of the 'party jury'—a European majority for European defendants and an Indian majority for Indian ones—was firmly established in British Indian procedure and was nothing new.<sup>40</sup>

Grant Duff, Governor of Madras, whom Ripon had counted on for firm support and sympathy, wrote privately: "What hideous nonsense they are talking about Ilbert's Bill, which is as harmless as an Eclogue of Virgil . . ."<sup>41</sup> Yet he never publicly defended the Bill. In his official opinion, he never even endorsed the principle of it. He said only that the Government should not give in the clamor of irresponsible persons, but the jurisdiction might be confined to "covenanted native civilians," not nominated ones. The Government should move no faster than

is necessary in such matters.<sup>42</sup> But most of all, Duff wanted the issue settled quickly, one way or the other; he had "an abomination of all excitement in India."<sup>43</sup> Ripon later wrote of his surprise "that a person of Grant Duff's intelligence and culture should have surrendered himself to the guidance of his very narrow surroundings."<sup>44</sup>

From Burma, Crosthwaite wrote that the change would have no effect there, and he would have preferred to make no change. But since the issue had been brought up and the objections to the Bill were insubstantial, the Government had to proceed with it, perhaps altering it to meet reasonable objections. He suggested that a thorough knowledge of English be required for a Justice of the Peace.<sup>45</sup>

J.H. Morris, retiring as Chief Commissioner of the Central Provinces, opposed the Bill as presented, even though he had endorsed its principle a year earlier.<sup>46</sup> But his successor, W.B. Jones, felt Europeans should not be tried exclusively by Europeans, that there were instances of European judges failing to do their duty. He proposed that the jurisdiction be given automatically to all District Magistrates and Sessions Judges.<sup>47</sup>

Apart from Jones, only one head of government—Aitchison—endorsed the principle of the Bill as a positive gain. (Ripon had anticipated that; he had praised the Punjab Lieutenant-Governor as "a real good man of the best Scotch type, with a strong infusion of puritan force and righteousness about him."<sup>48</sup>) But even Aitchison felt "the deepest sympathy with the fears and anxieties of the European community" lest the powers be given to unqualified persons. His suggested trimming was to give the jurisdiction to all District Magistrates and Sessions Judges *ex-officio*, but to demand special requirements of other officers: at least five years as first-class magistrates, special certification by the High Courts for properly exercising their powers, and tests for a thorough knowledge of English.<sup>49</sup>

Lyall, more cautious, felt no security in a man's being a first-class magistrate nor in the discretionary appointments of local governments, whose appointment criteria varied widely. Yes, a District Magistrate should always be a Justice of the Peace; since he was responsible for keeping order and maintaining the authority of the Government, he might need the power to deal with Europeans. There was no such need in the case of

Sessions Judges.<sup>50</sup> Lyall, in short, saw the problem not as one of correcting a racial injustice, but of maintaining law and order.

Thompson, as expected, urged that the Bill be withdrawn entirely. The Lieutenant-Governor of Bengal ascribed it to "the sentimental grievances of an infinitesimal minority" and asserted that there was no inconvenience and would be none. The Bill contained no guarantees of the competence of appointees, he said, nor would it end racial differences by a stroke of the pen:

Our thoughts are not their thoughts, nor are their ways our ways; . . . as long as there is a wide divergence between Englishmen and Natives, as regards moral standards, social customs, and political status, any attempt to remove judicial disqualifications must be as dangerous as it is premature. . . the bare proposal to withdraw it has excited a fiercer and more perilous conflict of races than was witnessed after the Mutiny of 1857 . . .<sup>51</sup>

The case of Elliott, in Assam, was quite different. He had endorsed the principle of the Bill,<sup>52</sup> and he castigated the arguments against it as largely ill-founded, inaccurate, and "tinged with prejudice." Yet he too recommended that the Bill be withdrawn, solely because of the European opposition. He said:

They are the one energetic, intelligent, improving class in the Province; they are the natural allies and assistants of the district officers; and any event which should set them in determined opposition to the Government would be in a high degree disastrous. The deputy-commissioner who should be on bad terms with his tea-planters would probably deserve to be condemned for want of tact and managing power, and would find himself hampered in every turn, in court and out of court.<sup>53</sup>

The reform would have no practical impact in Assam, he advised, and since it would produce greatly injurious effects, it would be best to withdraw it. Kimberley said later he had never seen

anything more deplorable than Elliott's Minute: "He argues strongly for the Bill, and from sheer cowardice recommends its withdrawal. There is, I am sorry to say, only too much evidence in the papers of a lamentable want of backbone."<sup>54</sup>

The Bill was also sent to the judges of the four High Courts for their views, as was the custom of the day. At a meeting of the Calcutta High Court, one of the Civilian judges, Henry Thoby Prinsep, spoke out against the Bill and then drafted Court's majority opinion.<sup>55</sup> The opinion cited the great powers in the hands of all magistrates, powers safely granted only because of the careful supervisions of the District Magistrates, "English gentlemen of the Covenanted Civil Service, whose education and training have made them fully sensible" of their responsibilities. The Calcutta judges saw no need for any change in the law, no administrative inconvenience, no miscarriage of justice, no dissatisfaction with existing arrangements, no personal disparagement of Indian judges, and no assurance that the Bill might not become "a prelude to still larger concessions," since rights once invaded were difficult to protect.<sup>56</sup>

The Calcutta High Court opinion drew sharp criticism from friends of the Bill. F. Max Muller, the Oxford Orientalist, wrote a point-by-point refutation.<sup>57</sup> Hartington told the Lords it was "not a judicial performance, but rather the offshoot of partisanship," a remark which the judges in turn attacked as "wholly undeserved and unjustified."<sup>58</sup> The *Statesman* accused the judges of being interested only in aristocratic privileges and not in the advancement of India and its people. "When the judges say so, who can blame the mob?" it asked.<sup>59</sup> (Judge Prinsep and his colleagues, in their anxiety to build their case, misquoted and badly distorted one of their sources,<sup>60</sup> but this apparently went unnoticed.) In sum, the opinion added little respect or esteem to the judicial robe.

The Bombay High Court took a substantially different view. "I entirely approve of the principle of the Bill," wrote the Chief Justice, Sir Charles Sargent.<sup>61</sup> It was time to remove the disability, he stated. The Bill afforded sufficient guarantees, and if the local governments exercised reasonable care, their appointees would deserve the confidence of the European community. The opinions of the other Bombay judges varied

widely. Judge Raymond West, suggesting a scaled-down bill, made a pointed observation:

If conspiracies and false accusations are so common as he (another judge) thinks, if rancorous spite and perjury are so universal and so successful, that is a terrible blot on the Native character, but a terrible blot also on the British administration of India. Our criminal courts must be the most cruel instruments of injustice that the world has ever seen. We must have failed in our attempts to train Native Magistrates to conscientiousness and intelligent pride in doing their duty. We ought to acknowledge our failure and close every court not presided over by a European. The Native Magistrates must either be the tools or the accomplices of the worst of all criminals, and in either capacity can do nothing but mischief.<sup>62</sup>

The balanced views of Charles A. Turner, Chief Justice in Madras, have been noted.<sup>63</sup> Turner defended the principle of the Bill and the fitness and personal capacities of Indian judges and magistrates, although he specifically exempted the 'statutaries'. He proposed a modified Bill, under which those eligible for the jurisdiction would be Europeans (official and non-official), 'competition wallahs,' and others approved by the High Courts. As a further guarantee, the High Courts would be allowed to transfer any case to a different judge or magistrate if it were found to be "expedient for the ends of justice."<sup>64</sup>

Finally, the Judges of the North-Western Provinces High Court sharply criticized both the Bill and Indian judges. If a bill must be passed, they said, let it be restricted to the 'competition wallahs.'<sup>65</sup> The solitary Indians on the High Courts—Mitter in Calcutta, Muttasami Aiyar in Madras, and Nanabhai Haridas in Bombay—defended the Bill and the capacities of Indian judges with appropriate zeal.<sup>66</sup>

The *Times* was certain that a large majority of officials throughout India would oppose the Bill,<sup>67</sup> and this proved correct. Of the 210 divisional and district officers who sent opinions to the Government, precisely half (103 Europeans and two Indians) opposed the Bill and its principle entirely; 33

(including three Indians) favored a narrower, more restricted Bill; 51 said, in effect, that it was not the proper time for such a Bill; and only fourteen (four of them Indians) favored passage of the Bill substantially as introduced.<sup>68</sup> Thompson said the Bill's only supporters in the Lower Provinces were nineteen Indian officials and one American, the Rev. M. Coldren, a missionary who was honorary magistrate at Balasore.<sup>69</sup> Some of the views were as blunt as that of Major Peet, the District Officer in isolated, agitated Lakhimpur, who said the idea of racial equality was foolish; the physical, moral, and mental superiority of Englishmen over Indians was "simply not worth the arguing." Indians could be trusted only so far, and the Government's attempts to educate and advance them had created "this sensation of insecurity more and more."<sup>70</sup> The Assam opinions were transmitted by Elliott, prefaced with a private letter in which he hoped they might not be published: "Most of them are so extremely weak that I should be loth (sic) to expose to a critical public with how little wisdom a district may be governed . . ."<sup>71</sup>

The opinions must have afforded Ripon little pleasure. They showed that the bulk of the Civil Service had joined the nonofficial Europeans in opposition. Friends and supporters were lukewarm and indifferent; believers in principle urged retreat and compromise. Two high officials who had supported the principle earlier had switched and opposed it: J.B. Lyall, Chief Commissioner of Coorg, and John G. Cordery, Resident at Hyderabad. Pressures from European society, Ripon said.<sup>72</sup> Another who sounded the retreat was General Roberts. The hero of Kandahar had said earlier that Indians who held high office should have the same powers as British office-holders, but this time he 'explained' that he had always opposed Indians holding high office, either in the Civil Service or the Army.<sup>73</sup>

The Viceroy attributed this massive opposition of the Civilians to their losing their heads in a political storm to which they were unaccustomed. European society in India, he wrote,

is of a very limited kind, and is as incredulous (sic) personal and gossipy as the old maids of York or Norwich over

their tea. Everybody knows everybody else; and to stand up against the general feeling when it is heated up to white heat in the narrow circle within which it is confined requires a great deal of moral courage and involves much which is personally disagreeable.<sup>74</sup>

But Henry Cotton saw it as symptomatic of a far deeper problem. Formerly, local British officials had taken an interest in the people and tried to help and protect them, he wrote in 1885. But now they were exiles sighing for home, who regarded their work in India as temporary and disagreeable. A young official usually wore "an insolent demeanor of assumed superiority." Women spoke of "those horrid natives," while men casually called them 'niggers,' without "any indication of anger or intentional contempt, but as though it were the proper designation for the people of the country!"<sup>75</sup>

### 3. Searching for a Compromise

Even before those opinions arrived, the obvious course for Ripon was a modified Bill, one which would meet reasonable objections but still maintain the principle and purpose of the original. Some of its features and phrasing had caused unnecessary difficulties.<sup>76</sup> Ripon had never insisted that the first form be the final one. Fergusson said if the effect of the Bill would be as limited as the March 9 Council speech indicated, the Bill might be narrowed in scope "to correspond with the actual intentions of the Government."<sup>77</sup> Ripon replied that, apart from the *ex-officio* powers for District Magistrates and Sessions Judges (of which Bombay approved), the Bill would merely allow local governments to make any appointments which they considered necessary and desirable. He believed they would use such powers with caution and discretion.

But if the non-official European public has not as much confidence in Local Governments as I have, this part of the Bill is in no degree of its essence, and might be modified

or withdrawn without touching the principle of the measure, which consists in giving the jurisdiction to Sessions Judges and District Magistrates.<sup>78</sup>

Ilbert, too, was perfectly willing to pare it down to those two offices.<sup>79</sup> Kimberley made the same suggestion while asking the Viceroy to stand by the Bill's principle.<sup>80</sup> Ripon agreed, but he warned that even a modified Bill would be unacceptable to Bengal Europeans:

...they are, I believe, irreconcilable, and will fight out the battle to the bitter end. I quite expect that when we get back to Calcutta, and it becomes known that the Bill is not to be withdrawn, the agitation will become at least as violent as it was last February and March. . . . Baring the other day was talking about the possibility of riots in Calcutta. I hardly think that anything of that kind is probable; but the recklessness and unscrupulousness of a large portion of our opponents are such as to make it unsafe to say that there is any length to which they will not proceed.<sup>81</sup>

Many of those who sought a modified Bill wanted the ‘statutories’ set apart, but the Government decided it could not do so legally. Lytton, who had arranged the system of appointments, protested in the Lords that under the 1870 Act the appointees were excluded from the Covenanted Service. Northbrook replied that in 1879 Lytton had recommended the nominations “for employment *in* Her Majesty’s Covenanted Civil Service,” and that Cranbrook, Secretary of State at the time, said no distinction was to be made “in the duties, or responsibilities, of those particular posts which will be open alike to both branches, and the status and position of officers holding the same posts being the same.”<sup>82</sup> Ripon concluded that the ‘statutories’ had to be employed “in the same manner and upon the same principles” as other Civilians. “The very fact,” he said, “that the number of Covenanted Civil Servants sent out from England is reduced to the exact extent of the number of men admitted in India under the Lyttonian Rules, proves that the latter are intended to take the place of the former, and to be regularly employed in their stead.”<sup>83</sup>

The Viceroy saw possibilities in two of the modifying proposals. One was the Bombay plan for a mixed bench of magistrates where racial differences were involved and a jury trial for Europeans in Sessions Court. The other, based on Chief Justice Turner's proposal, was to limit the jurisdiction to District Magistrates and Sessions Judges, with the High Courts to transfer cases whenever they considered it expedient for the ends of Justice. (The Bombay idea had been proposed earlier by *Gujarat Mitra*, a Surat weekly, and taken up, with variations, by *Jam-e-Jamshed*.<sup>84</sup>) Trial by jury appealed to Ripon, but Ilbert found serious objections:

In the first place, there is, I believe, great difficulty in getting a jury together in many parts of the Mofussil. It would be constantly necessary to transfer cases to places where a jury could be found, and we shall lay ourselves open to the charge of creating an administrative inconvenience far greater than that which we propose to remove.

In the next place, juries on which Englishmen sit in this country are notoriously scandalous and unfair in cases which involve a quarrel between an Englishman and a Native. . .English jurors have absolutely no conscience in such cases. They will acquit in the teeth of the strongest evidence. The result is not only a gross failure of justice, but a deep and widespread feeling of resentment and indignation among the natives.<sup>85</sup>

The Law Member studied the incoming opinions, then on July 25 wrote a note endorsing the Turner proposals. The purpose of the Bill, he said, was the removal of race disqualifications (of certain Civilians), *not* the abolition of all race distinctions, "and no member of the Government so described it."<sup>86</sup> The Queen's Proclamation of 1858, calling for the admission of qualified Indians to office (*supra*, p. 11), should be observed in spirit as well as letter, said Ilbert; "to disable a man on grounds of race from performing an important part of the duties attached to the office approaches perilously near to disabling him from holding the office, and certainly places great practical difficulties in the way of his admission to the office."<sup>87</sup> The Bill had become a test case, and its withdrawal

would signify not only the indefinite shelving of the Queen's Proclamation, but "the adoption of a retrograde and anti-native policy" in general. The 'statutories' could not be singled out for disqualification; if unsatisfactory men were being appointed and promoted, the system was at fault and should be changed. He observed: "If a man is not fit to exercise jurisdiction over European British subjects, he ought not to be appointed to so responsible a post as that of District Magistrate or Sessions Judge. If he is placed in such a post, he ought to be given the powers which ordinarily belong to it."<sup>88</sup>

In his note, Ilbert repeated his objections to jury trials. Mixed benches of magistrates, he felt, would create grave administrative difficulties. Besides, the principle was wrong; a judge should be "an exponent of the law," not of any particular race or creed. Within the Bill's principles, however, he would concede as much ground as possible. The ban on non-official Justices of the Peace might be dropped. The Bill could cover only Sessions Judges and District Magistrates. Section 526 of the Criminal Procedure Code already allowed the High Courts to transfer cases if it appeared that "a fair and impartial inquiry or trial cannot be had." Ilbert proposed adding the phrase: 'or that it would appear expedient for the ends of justice.'<sup>89</sup>

The Executive Council met in early August in Simla. Ripon proposed a jury trial amendment, but only General Stewart supported him.<sup>90</sup> The modifications proposed by Ilbert were then accepted, and the amended Bill was dispatched on August 10 for the approval of the Secretary of State in Council.<sup>91</sup>

By August, Ripon was in better spirits than in March. "My missus is very fairly well for her," he wrote. "This Anglo-Indian row has done her a world of good; she is strong and bold as a lioness, and would soon recall me to a proper frame of mind if I were in the least inclined to waver."<sup>92</sup> To Gladstone he explained how crucial the matter had become. If the Government were to follow 'sound and righteous' principles in dealing with Indians, he said, a clash with the body of Anglo-Indians was inevitable.

**The 'Ilbert Bill' may have brought on that struggle in 1883**

instead of 1885 or 1890; but if it had not come this year, it must have come before long, and, if the battle is to be fought, I do not know that it could have been fought at a better time than now... You may rely upon it, therefore, that there is no truth in any rumours... which indicate an intention on my part to desert my post till the victory is won... I shall not be frightened away from India by the clamour or the calumnies of any number of Anglo-Indian Jingoes.<sup>93</sup>

#### 4. Summer in Bengal

Ripon was calmer and cooler in Simla, but in Bengal racial frictions made the atmosphere even hotter and stickier than normal. Anglo-Indians taunted the Bengalis without restraint or scruple. In March, a Calcutta theater began giving a musical farce entitled 'Khansamah Bahadur CIE' or 'Local Self-Government.' The hits of the show, a reviewer wrote, were the songs of the Commissioner's khansamah, a Bengali patriot and a member of the Local Board, which, with their clever political allusions, brought the house down and were enthusiastically encored."<sup>94</sup> Another theater was presenting a variety show which featured one Dave Carson, giving "his world-renowned impersonation of the Bengalee Babu."<sup>95</sup> In the same good humor, the *Englishman* carried the following 'advertisement':

#### WANTED

Sweepers, Punkah Coolies, and Bhisties for the residents of Saidpur. None but educated Bengalee Baboos who have passed their Entrance Examination need apply. Ex-Deputy Magistrates (Bengali) preferred. Applications with copies of testimonials to be addressed to

Chew Cha Chum<sup>96</sup>  
Care of Post Master  
Saidpur

This may have been a riposte to the *Behar Herald*, a Patna weekly which, several days earlier had 'advertised' the Ilbert Bill as "a new and infallible remedy for chronic enlargement of the spleen."<sup>97</sup>

But there was no laughter in a letter to the *Indian Mirror* from a Bengali who claimed he was summarily fired from his job of six years because he had refused to sign a letter opposing the Bill.<sup>98</sup> Nor in reports that Indian officials were warned that they would suffer for it if they attended meetings supporting the Bill.<sup>99</sup> Nor in the vituperative oratory with which Indians replied in kind to the Town Hall meeting. The best-publicized instance was the March 29 speech in Dacca by a Bengali barrister, Lalmohan Ghose (younger brother of Manmohan). Most of his talk was a denunciation of Branson, who, he said, has "covered himself with lasting infamy by levelling his cowardly insults against the innocent and unoffending women of this country." Being India-born, Branson was not even a real Englishman; if as the *Englishman* claimed, Indians had no right to discuss the criminal jurisdiction question, "what *locus standi* have homeless Armenians, wandering Jews, and mixed races who have neither country nor nationality?"<sup>100</sup> Ghose chided the people of Calcutta for "sitting down tamely under this outrage" and not organizing protest meetings of their own. What was needed, he said, was a new organization, "embracing every presidency, every hamlet, and every city in this country," which would work with friends in England and refute the "calumnies and misrepresentations" which had clouded the issue.<sup>101</sup>

Ghose's speech brought disavowals and regrets from the *Statesman* and the *Hindoo Patriot*,<sup>102</sup> and replies in kind in a spate of letters to the *Englishman*.<sup>103</sup> One of these criticized Ghose for referring to all natives of British India as "our people." It asked:

Does Mr. Lall Mohun Ghose really imagine that the masses and millions of India, the Mahrattas and other tribes of West India, the Moslems of upper and Central India and the Telugus and Tamuls of South India, and the Assamese and the tribes of East India, and the thousand and one other tribes of the hill tracts of the peninsula,

have all met in solemn conclave, and put him forward as their sole representative and mouthpiece, to talk thus bumptiously of 'the charter of our people'?<sup>104</sup>

Ghose does seem to have been thinking, perhaps prematurely, of nation and a national movement, and his critic correctly focussed upon that as far more significant than the mud-slinging.

The weather grew warmer, and tempers worsened. *Ananda Bazar Patrika* said the Ilbert Bill affair had opened the eyes of Indians "who hitherto relied on the favours of the English," showing them that, "like oil and water, the native and the Englishman can never mix together."<sup>105</sup> A disquieting letter, supposedly from a Welshman, chided Indians submitting tamely to their conquerors. "Are you, or any of your countrymen, prepared to fight for independence?" it asked. "I personally, and my ancestors before me, have fought and bled for the English nation. It is an old proverb that 'He who would be free must strike the first blow.'"<sup>106</sup> On the other side, the *Englishman* warned that if Radicalism caused the British Government to pull out of India, an "Anglo-Indian Republic" would be established. This would lead to a native rebellion, it forecast, but it would be firmly suppressed unless the Russians invaded.<sup>107</sup> Rivers Thompson, of course, called the Bill a continuing source of trouble. He wrote to Ripon:

The alienation between Europeans and Natives is widening every day; and the evil influences of this affect administration at every turn. There is not an appointment vacant, but that a Native claims it. Everywhere there is a spirit of irritation and suspicion, a promptness to misunderstand and a readiness to put the worst malicious construction upon everything one does. . . .<sup>108</sup>

In this volatile situation, a dangerous incident occurred: the imprisonment of Surendranath Banerjea.

Judge John F. Norris, of the Calcutta High Court, was hearing a case to determine custody of a family *saligram*, or stone idol. He ordered the idol in question taken into custody by the court. Based on an account in the weekly *Brahmo Public*

*Opinion*, Banerjea wrote an editorial in his *Bengalee* sharply critical of Judge Norris. He said Norris was unworthy of high office and compared him with the infamous judges Jeffreys and Scroggs. By dragging into court “the presiding deity of a Hindu household,” he declared, the judge had committed “an act of sacrilege in the estimation of pious Hindus.”<sup>109</sup> Banerjea was summoned before the High Court on May 2, charged with contempt of court. Norris stated that the article was inaccurate, the idol had been produced with the consent of the contending parties, and a Brahman who had been consulted had approved. Three court officials presented affidavits supporting Norris. Banerjea acknowledged these facts; he said he had been misled, expressed regrets, and apologized to the Court.<sup>110</sup> Nonetheless, he was found guilty and sentenced to two months in jail. (Judge Mitter concurred in the conviction, but felt the sentence too severe.<sup>111</sup> So did Ripon, who was not as remote from events as some thought.)<sup>112</sup>

Banerjea was popular among Bengali students, and many attended his trial. To protest the sentencing, some went on rampage, breaking windows and throwing stones at Europeans and policemen.<sup>113</sup> Others wore black armbands. Protest meetings were held in towns in many parts of India. Furrell, the *Englishman* editor, feared the *saligram* case, which touched religious sensitivities, would become a second ‘greased cartridge’ incident (*i.e.*, touch off another mutiny). He urged military precautions for a crisis “which will try the power of the British Government in a way it hasn’t been tried since the Mutiny.”<sup>114</sup> After one pro-Banerjea meeting, racial relations were reportedly so bitter that any chance meeting between Indians and Europeans might have produced a clash.<sup>115</sup> The bellicose reaction of some Anglo-Indians was illustrated by E.V. Westmacott, magistrate in nearby Howrah. He said Europeans were

in a great state of agitation against the Government and against the Baboos, and unless the Natives keep quiet, I think someone may get a licking. The Europeans will not stand the tone of the Native press, especially when they speak of European women as they do, and one man mentioned to me the possibility of tarring and feathering. If the

Baboons are impertinent in the streets, tramcars etc. as they have always been inclined to be, I think, in the present state of feeling among Europeans, they are likely to get their heads broken. . . .<sup>116</sup>

But the real cause of the racial agitation, Macgregor wrote, was not the *saligram* affair, but the feelings produced by "the unhappy Criminal Jurisdiction Bill."<sup>117</sup> Norris's known opposition to the Ilbert Bill made his judgments suspect in Bengali eyes.<sup>118</sup> Banerjea himself felt that the tensions caused by the Bill had been part of the cause, while more traditional Hindu elements had responded to the 'religion in danger' cry.<sup>119</sup>

In early June, a sweeper formerly employed by J. Hume, a Government prosecutor, broke into the bathroom of Hume's house and tried to rape his wife.<sup>120</sup> Two other alleged assaults of European women by Indians occurred in the Calcutta area at about the same time, and there were rumors of two more.<sup>121</sup> These too were blamed on 'the anti-European policy of the Government' by Westmacott, and it showed how Europeans were "losing prestige in the eyes of the natives."<sup>122</sup> Of course, the Babus lauding this policy were not rapists or murderers, he said, but such was "the outcome of the Baboo agitation, when translated into language intelligible to themselves by natives of the lower classes."<sup>123</sup> Westmacott himself upheld European prestige by vindictively sentencing a *dhobi* (washer-man) to six months in jail for "insulting" his employer. "It is a very heavy punishment for the offence," he explained, but "I think the occurrence of all these cases makes the present an exceptional time; and that it is necessary not only to check the growing insolence towards Europeans, but to show that it is not countenanced, as pretended in some quarters, by officials. . . ."<sup>124</sup> However, a police investigation of the Hume episode concluded that it was not an act of politics at all, but simply lust.<sup>125</sup>

Banerjea completed his jail sentence and was released on July 4. Troops were alerted that day in case the predictable demonstration should turn violent.<sup>126</sup> He was the star attraction of a mass meeting of the Indian Association on July 17. There he set as India's goals the attainment of parliamentary

institutions and internal self-government, and he announced the creation of a 'national fund', with subscriptions to be collected throughout India. Macgregor predictably called this "the empty claptrap of a noisy demagogue" which could be speedily ended by withdrawal of the Ilbert Bill.<sup>127</sup> Lambert also blamed the Ilbert Bill for the growing racial antagonism:

The agitators in favour of the Bill are a new class of rising politicians,—men whose ways and thoughts are distasteful to older and steadier men....The talk of these men reaches the lower classes and bears evil fruit. Europeans of various conditions complain of an insolent demeanour of late on the part of low-born Natives. This feeling they attribute to the rumours spread by the Native agitators that the present Government is all for the Natives, and is bent on elevating them and depressing Europeans....

....if assaults on European ladies become frequent, it may lead to very serious consequences in this quarter. Even now I hear that the wives of Europeans of the lower class, who used to walk about the streets and bazars alone, now go in pairs. ....<sup>128</sup>

Along with increasing tensions, there was increasing interest in public affairs. New Indian newspapers were founded that summer in Calcutta, including *Bangabasi* in Bengali and *Indian Echo* and *Indian Nation* in English.<sup>129</sup> The Ilbert Bill and the events it touched off had created a new level of political excitement in Bengal and had upset the jittery Europeans.

## 5. The Reluctant Home Government

Since, in the imperial relationship, all final decisions concerning India were made in Britain, both sides in the Ilbert Bill controversy looked to allies in Britain for support. The first move which the opponents made, it will be recalled, was to warn British capitalists that their investments were endangered,

presumably so they would press the Government to have the Bill withdrawn.<sup>130</sup> They also worked with Conservative Party leaders, feeling more closely attuned to their principles than Gladstone's. Conservative leaders from the previous Indian governments, notably Lytton and Fitzjames Stephen, led the public attack on the Bill in Britain. The Anglo-Indians also sought support among the retired officials on the Council of India, and Cross warned Ripon in March that many old Anglo-Indians, Council members among them, were "very nervous" about the Bill.<sup>131</sup> In late May, Ripon wrote that he had arrayed against him, not only the Anglo-Indian Jingoes and their unscrupulous newspapers, but "the steady unwearying opposition and constant intrigues of the Indian Council at home."<sup>132</sup> Finally, there was the personal appeal to Queen Victoria. A part of the Anglo-Indian mythology was that if only the Queen could be reached personally, she would sympathize and intervene; her name was invoked at protest meetings,<sup>133</sup> and petitions were sent to her directly. (The Viceroy was her personal representative, but he was considered a mere accident of partisan politics, with some justification.) The Queen did hear, and apparently she did sympathize; Gladstone's private secretary twice reported her to be "greatly exercised" about the Bill.<sup>134</sup> But she intervened only as far as expressing her fears to the Prime Minister and Lord Northbrook.<sup>135</sup>

Ripon had on his side, he assumed, the Prime Minister and the Liberal majority in the House of Commons. Since he was Gladstone's appointee and a devout Liberal, it was a reasonable assumption. However, the Cabinet, preoccupied with such issues as franchise extension, Irish home rule, and Gordon in the Sudan, was most reticent in this unexpected, annoying, and possibly dangerous affair. The first Parliamentary inquiry produced Cross's mistaken and damaging reply.<sup>136</sup> While this high standard of maladroitness was not maintained, the Government seemed determined to avoid discussing the Bill. It sturdily resisted opportunities to defend its principles at a time when a full and forthright defense could have given the badly-needed support and encouragement to the beleaguered Viceroy.

Instead, early Parliamentary questions on the background of the Bill and the procedures followed evoked laconic factual

replies from Cross, Hartington, and Kimberley, with no attempt to defend the Bill.<sup>137</sup> When asked about the outbreak of protest meetings, they at first replied that the Government had no official information about them.<sup>138</sup> Asked on February 27 if, in view of the widespread opposition in India, the Government would give the Commons an opportunity to discuss the measure, Kimberley demurred. The Secretary of State in Council is responsible for instructing the Government of India, he said, "and he cannot divest himself of that responsibility by inviting the House of Commons to discuss questions of legislation which are pending in India."<sup>139</sup> If any member wishes to call that advice into question, it is up to him to do so. Gladstone was asked on March 12 whether, because of the opposition, he would ask the Viceroy to withdraw the Bill. He replied that the Government knew of the dissatisfaction in India, "but we do not think it our duty to instruct the Viceroy to withdraw the Bill."<sup>140</sup> There would be ample time to consider the question, he said. However, when asked the next day for a debate, the Prime Minister declined; he said it would mean public time, and that the Government could not afford.<sup>141</sup>

Back in India, the *Pioneer* ran the cabled accounts of the debates and saw in Gladstone's reticence a lack of commitment to the Bill. When he reads the speeches from the Viceroy's Council, it suggested, he might change his stand.<sup>142</sup> Actually, Gladstone favored the Bill and considered the agitation "the proverbial storm in a teacup."<sup>143</sup> It is not known whether he kept this such a deep secret because he thought the agitation would go away if ignored, or whether for personal reasons he wanted to let Ripon stew for a while, or whether he had never given the matter much thought. In reply to Ripon's explanation and apology,<sup>144</sup> he wrote:

In principle I have been and am strongly with you, and as to tactics my own judgment has not gone beyond keeping the question open. After noting what you very candidly say, I feel that an error may have been committed, but I am by no means sure that it has been committed. . . . a Government is not only bound to act according to reason, but also is responsible for provoking unreason.<sup>145</sup>

Sometimes, he continued, such unreason ought to be braved, but was this such an occasion? "This I have not knowledge enough to decide; the chief point against you, in my eyes, is your own judgment. . . ."<sup>146</sup> There is nothing to indicate how Ripon reacted to such a 'vote of confidence' from his chief. Never during the entire controversy did Gladstone send him a friendly or encouraging word. Perhaps their breach of a decade earlier had never been entirely healed.<sup>147</sup>

Both Ripon and the Conservatives sought a Parliamentary airing of the controversy, but for different reasons. As early as March 6, Ripon had said the issue at stake was the principle on which India was to be governed, and that this should be decided by the Commons.<sup>148</sup> He repeated his wish for such an endorsing vote from time to time, but it was never granted.<sup>149</sup> For the Conservatives, the Bill was not only abhorrent in principle, but a possibly useful political issue. There were known to be some defections from the Liberal ranks in Parliament (such as the aforementioned Macfarlane);<sup>150</sup> might not the issue catch fire in England as it had in India? Salisbury, throwing in some tinder, told the Junior Midland Conservative Club on March 29 that the vital question was whether Englishmen in India would be "placed at the mercy of native judges." He told his audience:

What would your feelings be if you were in some distant or thinly-populated land, far from all English succor, and your life or honour were exposed to some tribunal consisting of a coloured man; what would your feelings of security be? You would know that his thoughts were not your thoughts, and that he could not justly estimate the circumstances or feelings in which you acted. . . .<sup>151</sup>

Interest in England was being fanned by Macgregor's dispatches and by the partisans of both sides. The letter of Fitzjames Stephen (*supra*, p. 71) was followed by a cross-fire of others, attacking and defending the Bill. The *Times* assailed it editorially; the *Daily News* defended it. The Indian Tea Districts Association met in London on March 15 and resolved to petition the Secretary of State against the Bill.<sup>152</sup> On the other side, an Indian Political Association was formed

on April 11.<sup>153</sup> Its founders included William Digby, a former editor of the *Madras Times*, who was to work for Indian causes in London for many years.

Gladstone had fended off a debate in the Commons, but one occurred in the Lords on April 9. Lytton, leading the attack, saw in the Ilbert Bill a manifestation of the policy he feared, that of "gradually transferring political power in India from European to native hands."<sup>154</sup> He touched on the usual arguments: the absolutist nature of the Government of India, the necessity of anomalies, the danger of false charges, the need for large-scale investment of British capital, and the rejection by Indians of ideas of equality.<sup>155</sup> Kimberley, in reply, explained the reasons for the Bill and called Lytton's fears unfounded. He denied that Ripon's policy (it was always "the policy of my noble Friend", never "our" policy or the Government's policy) was intended to introduce representative government without Parliamentary approval. India should be ruled, he said, not by the sword alone, but by "conciliating and obtaining the good wishes of the Natives," and that was all Ripon was trying to do.<sup>156</sup> A stouter defense came from the non-partisan Lord Chancellor, the 70-year-old Earl of Selborn. He said it had never been a policy that a man should be judged only by those of his own race and religion, not in India any more than in England. In his years of arguing before the Privy Council,

the judgments of Native Judges in India did not suffer by, but bore favourable comparison, as a general rule, with the judgments of English judges there . . . I have no hesitation in saying that in respect of integrity, of learning, of knowledge, of the soundness and satisfactory character of the conclusions arrived at, the Native judgments were, as a rule, quite as good as those of local English Judges.<sup>157</sup>

Three other speakers criticized the Bill, and only one other, Northbrook, defended it.<sup>158</sup> The Government thus supported Ripon, but in a most perfunctory fashion.

April and May passed, and Gladstone still avoided discussing the Bill in the Commons. Asked if the Viceroy had proposed to modify it, he said he had received no communication

on the subject since the original dispatch. Asked if his Government had suggested any modifications, he replied: "I think our course is to receive any propositions which the Viceroy may make; but I have no reason to suppose that it is intended to make any."<sup>159</sup> (Kimberley had written to Ripon thirteen days earlier, suggesting modifications (*supra*, p. 176). One observer 'was struck by the Government's failure, in these exchanges, to assert its usual principle of governing India for the sake of the Indians.<sup>160</sup> But one question struck a spark. A Mr. Ashmead-Bartlett asked on May 10 whether, in view of the widespread agitation and "the fact that the Viceroy is being constantly slighted in public," the Government would recall Lord Ripon. Gladstone said he had no information of the Viceroy's being slighted in public, and as for recalling Ripon, "all I can say is that I wish we or any future Government may . . . when a vacancy in the Viceroyalty occurs, be able to secure for that post the services of a person so admirably qualified as the Marquess of Ripon . . ."<sup>161</sup>

The pursuit continued throughout June and July. Four times critics asked that the local governmental opinions from India be printed and circulated; four times Cross replied, in effect, that they would be as soon as possible, but he did not know when that would be.<sup>162</sup> (In fact, they were not circulated until September 9. By happy chance, the House had been prorogued on August 25.) Edward Stanhope, formerly Conservative Undersecretary of State for India, asked whether the Government had received reports "of horrible outrages upon English ladies in Calcutta and Howrah." When Cross said it had not, Stanhope said he would give him the information. A Mr. O'Donnell then injected: "Whilst he is on the subject, could not the Hon. Gentleman obtain a statement of the annual number of outrages on English women by English men?"<sup>163</sup>

Gradually, reluctantly, the Government was drawn into the battle. A delegation of retired Anglo-Indians obtained an interview with Kimberley and Cross on July 26. Members were Gen. Henry Hopkinson, retired Chief Commissioner of Assam; Alexander J. Arbuthnot, an Executive Councillor under Lytton; W.S. Seton-Karr, who had held many top secretaryships during the 1860s; J. Mackenzie Maclean, former editor of the *Bombay Gazette*, and Col. G.B. Malleson, noted soldier-

historian. They presented a statement and gave some additional reasons for the unwisdom of the Bill. Kimberley thanked them, replied to a few specific points, and promised to forward the statement to Ripon. Then he stated:

I am very glad, indeed, that you have afforded me this opportunity of stating that Her Majesty's Government adhere entirely to their approval of the principle of the Bill as stated in Lord Hartington's Despatch of December last, and we have not the slightest intention of instructing the Government of India to withdraw the Bill.<sup>164</sup>

When the local opinions had been studied, he said, the Government of India might decide upon certain modifications "not inconsistent with its general principle." Afterwards, the delegation pronounced Lord Kimberley's reply unsatisfactory and hoped for another meeting.<sup>165</sup>

When Ripon and his Council adopted the 'Turner Compromise' in August, the Viceroy renewed his plea for help: "If the Government decides to proceed with the Bill, they must speak with a strong and determined voice . . . if once the Europeans out here can be made to understand that they have got the English Government and Parliament to deal with, they will calm down considerably."<sup>166</sup> On August 7, Ashmead-Bartlett again asked for facilities for a discussion of the Bill. Not immediately, Gladstone replied, but perhaps when the business before the House begins to decline.<sup>167</sup> The only opening came during a budget debate on August 21. Sir Stafford Northcote, a former Conservative Secretary of State for India, declared that the Government there had raised an unnecessary storm, aroused undesirable feelings, thrown back the cause of Native employment instead of advancing it, and failed to pay proper due to the needs of non-official Europeans.<sup>168</sup> Then, finally, Gladstone replied.

The Prime Minister was not impressed by the protests of the Anglo-Indians. He recalled a series of such questions in which resident English communities had never supported the great reforms of Parliament, such as the abolition of slavery in the West Indies, the grant of self-government to Canada, and the return of the Ionian Isles to Greece. He continued:

Sir, it is the same thing all over the world; and it is not because these resident English communities are made up of people worse than ourselves . . . but their position is less favourable than ours for forming a comprehensive judgment. They are doomed almost to examining narrow modes of these questions, and we are compelled to look over the course of history and over the surface of the world . . . there is a tendency to indulge in a spirit of ascendancy which it is the business of this House and . . . of a patriotic Governor General with wisdom and with care, but with decision, to modify and to check.

No evidence has come before me, and none before this Government, to convict Lord Ripon of any want either of courage or of discretion in this matter . . .<sup>169</sup>

He said there had been such storms of opposition in the past, and there would be in the future. Such opposition had to be faced; no amount of circumspection and prudence could prevent it. Gladstone concluded by praising those Governors-General who had worked so hard "to inculcate among their fellow-countrymen the broad principles of generosity and justice towards the vast population under their charge and rule."<sup>170</sup>

He had taken a stand, but not really on the Ilbert Bill. It was little more than a statement of why he considered the Anglo-Indian protests unimportant. It answered nothing and soothed no one; it simply gave the protesters a new grievance and a new target.

## 6. Carrying the Battle to Britain

The belated and reluctant entry of the Government was probably less in response to Parliamentary prodding, and still less to Ripon's pleas, than to the deepening concern about the Bill in England. Continued silence might have been seen as avoidance of responsibility and lack of leadership. The Secretary of State in Council passed on all enactments of the

Government of India, and whatever he did could be undone by Parliament, or, ultimately, the British voting public. When the Viceroy proved tougher than expected, the natural recourse was to appeal to his superiors. It was suggested in March that since many Anglo-Indians would be going ‘home’ for the summer, a deputation might be organized to call on the Secretary of State.<sup>171</sup> Meanwhile, the mass petitions were accumulating signatures. The council of the Defence Association, at its first meeting, March 31, began planning to contact newspapers and Chambers of Commerce in Britain. Arrangements were made with E. Roper Lethbridge, an educator and former aide to Lytton, who began writing to retired Anglo-Indians, arranging meetings, and forming a London Committee to arouse opposition to the Ilbert Bill. In a May 29 circular, seeking support, Lethbridge denied that the opposition was due to “the arrogance of the upper classes of the Anglo-Indian community”. Those chiefly affected, he said, would be the British working classes in India and Englishwomen, because of the “peculiar position of the female sex in India.”<sup>172</sup> The association sent him increasing sums of money until, on July 23, it sent £ 1,000 and asked him to wire for more if needed.<sup>173</sup>

The largest meeting organized by the London Committee was held on June 25 in St. James Hall, with around three hundred former Anglo-Indians listed as sponsors.<sup>174</sup> Arbuthnot chaired it, and other speakers included Seton-Karr, Lethbridge, Colonel Malleson, and C.T. Buckland, late of the Bengal Legislative Council and Board of Revenue. Buckland called the admission of Indians to the Civil Service a source of weakness: it was difficult to find suitable places for them, they complained about the places they were given, and they failed to command the respect of their countrymen. A resolution asking withdrawal of the Bill was presented. Half a dozen men rose to speak against the resolution, but they were not recognized by Arbuthnot, who said it was a meeting of those opposed to the Bill, and “none others were invited.”<sup>175</sup>

The committee’s most powerful ally, the *Times*, continued its crusade against the Bill. Non-official Englishmen were not only a mainstay of government, it said, but, through their ideas and enterprise, “the only really effectual instrument of the moral and material regeneration of India which we all desire

to see."<sup>176</sup> Thus, anything that might endanger the security of Englishmen living in India worked against the best interests of everyone. There was no "genuine native sentiment" for "the promotion of a few Baboos," it concluded; such sentiment as existed was "the prospect of inflicting defeat upon the governing race."<sup>177</sup> Macgregor continued his tirade-every-Monday cables. He demanded publication of the local opinions and said (since he knew their contents) their logical outcome would be withdrawal of the Bill, since the Government would not want to run counter to them.<sup>178</sup> The barrister-journalist was never at a loss for additional arguments to bolster his case: if the Government spurned the views of the District Officers, it would end their local power and prestige, open the way for agitators, and probably result in agrarian disturbances.<sup>179</sup>

Friends of the Bill were also active. The *Daily News* joined the *Pall Mall Gazette* in support.<sup>180</sup> Public support came from the East India Association, meeting at Exeter on May 18; a Liberal Committee in Birmingham on July 9, and a newly-formed 'British India Committee', in London on July 23.<sup>181</sup> This last meeting was chaired by Sir John B. Phear, a former judge of Calcutta High Court, who said its purpose was "to obtain the support of the English people to a policy of equality before the law, and to insist that Mr. Gladstone's Ministry shall firmly support the Governor-General."<sup>182</sup> Other speakers were two Liberal M.P.s and Robert N. Cust, a retired Punjab judge and Home secretary. Letters of support for at least the principle of the Bill were read from the Duke of Argyll, Secretary of State for India in Gladstone's first cabinet; Sir Charles E. Trevelyan, former Governor of Madras and Finance Member of the Council; Samuel Laing, another former Finance Member (and in 1883 an M.P.), Max Muller, and Northbrook.<sup>183</sup> Thus, influential backing had developed in England for Ripon and the Bill.

Another important pro-Bill meeting was held on August 1, chaired by the veteran Radical, John Bright. Bright praised Ripon's policies and declared that if the Bill did not become law, the hopes of the people of India would be blasted. He said:

India was not committed to our control to be held as a

field for English ambition and English greed. Our fathers may have erred —in my opinion they did greatly err—but their children may make some compensation to the countless millions now subject to their rule by a policy of generosity and justice, a policy which, in my opinion, India and the world at large have a right to expect and to demand from a Christian people such as we profess to be.<sup>184</sup>

Bright hoped that the historian of the future, who might write of unjust wars, might also be able to say that "England having conquered the country knew how to govern it by a policy generous and just to its people." Other speakers included Sir George Campbell, former Lieutenant-Governor of Bengal, and Lalmohan Ghose, recently arrived from India. Ghose said the Bill had become a test question for the people of India as to whether the promises of the Charter Act of 1833 and the Queen's Proclamation were to be acted upon or reversed and repudiated.<sup>185</sup>

Ghose had travelled to England to appeal Banerjea's conviction to the Privy Council and to represent Indian interest (as he saw them) on such matters as the Ilbert Bill. Part of his costs were paid by a fund raised for Banerjea's support and the rest by a 'United Indian Committee,' a new political organization formed in April to present Indian views to Britain. Its president was Womesh Chunder Bonnerjee, the Bengali barrister who was to preside over the first Indian National Congress two years later. It had raised Rs. 10,000, half of it from the Rajah of Paikpara, a wealthy and liberal young *zamindar*.<sup>186</sup> Ghose was not the first of the Ilbert Bill activists to reach England. Branson had preceded him, and John O'Brien Saunders, proprietor of the *Englishman*, was also in England; both aided the opposition.<sup>187</sup>

In England, Gladstone's statement attracted no attention; the *Times* did not even mention it. But in India, where the Europeans had been telling each other for months that the Home Government dared not disregard their views and wishes, the statement that it would do exactly that was greeted with cries of shock, anger, and even menace. Macgregor reported great bitterness at what was seen as the Government's closing its ears to argument and treating the Anglo-Indians unfairly.<sup>188</sup>

This new menacing tone pervaded the Defence Association meeting of August 23 in Calcutta.<sup>189</sup> A mention of Gladstone's speech by Keswick brought hisses and cries of 'shame'. The Government would stop at nothing to attain its ends, Keswick said; "I believe it would not hesitate to wreck the country for an idea, and as loyal subjects of the Queen we must stand together and say it shall not be wrecked, and never rest until we see just men at the head of Indian affairs again!"<sup>190</sup> A resolution called for immediate withdrawal of the Bill and publication of all the local opinions in their entirety.<sup>191</sup> Its author, Robert G. Allen, criticized Ripon and his councillors for knowing nothing of India and having no sympathy with racial pride, which he called "one of the most potent, and one of the most universally operative principles by which Providence has regulated and guided the progress of humanity." He also spoke of resisting the law:

And if Europeans were determined not to submit to the measure, I see no way in which the Government could really enforce it. (Vociferous cheers.) Any determined resistance on the part of the community to the measure would . . . paralyze the very best Baboo magistrate that they could place in the position. (Loud cheers)<sup>192</sup>

'The seconder, a Mr. Murdoch, said he was "ashamed to think there are Englishmen who, forgetful of their brethren in exile, would forge this chain upon them, who have forgotten the old refrain of Britons never will be slaves."<sup>193</sup>

Another speaker at that August 23 meeting was F.T. Atkins, secretary of the Indian Railway Servants' Society. Atkins had come to India nineteen years before as a railway worker, then becoming a union organizer among his fellow-workmen. Atkins had a direct and forceful platform style. He told the meeting that he was going to England to explain the "great and terrible dangers" to his men: how, 300 or 400 miles from legal aid, they might be "dragged to court, away from all assistance, and suffer the direst imprisonment." The Ilbert Bill, he said, had so aroused race feelings that engine-drivers had been assaulted by their Indian firemen.

Engines are manned by one European and two Indians, so that the European has no one to help him if anything happens between stations. The lower orders of natives have become so impregnated with this poison that there was a danger to the European. . . . Imagine for a moment a heavy goods (freight) train in charge of a European driver and two natives. Suppose the natives assaulted the European between two stations and a mail train coming in. There was a smash, the hissing of steam and the groans of dying men and women, who would be responsible for that?

“Lord Ripon,” chorused the crowd.<sup>194</sup>

This August 23 meeting marked a new phase in the agitation: the thrust earlier had been directed against the Indian, especially the Babu; now the target was the governments of India and Britain. The *Englishman* detected a “marked and ominous change” in tone, a call for “action” instead of argument. It said: “Mr. Gladstone has been guilty of the supreme folly of telling a powerful British community that they must be suppressed; . . . the initiative in menace has thus come from him, and he must not be surprised if the gauntlet is taken up.”<sup>195</sup>

Atkins was supposedly representing British workers in India in carrying their appeal to their brother workers in England. Railwaymen meeting in Dinapore, Assensole, Buxar, Mokameh, Rangoon, Madras, Tundla, and Gosainganj had passed resolutions authorizing him to speak for them.<sup>196</sup> However, Atkins’s mission had been secretly arranged and subsidized by the Defence Association in an effort to undercut Gladstone’s usual working class support, and his work in England was kept under control of the London committee.<sup>197</sup>

Atkins reached England on October 1. A few days later he went to Edinburgh for a conference of the Amalgamated Society of Railway Servants of England, Scotland, and Wales. Obtaining permission to speak, he asked the delegates to help their brother workmen maintain their English rights against a Bill which would, he said, make life unbearable for them. He described Hinduism and its “immorality,” and asked if it was right “that English Christian men and women should be subjected to the criminal jurisdiction of idolators.”<sup>198</sup> He

touched on the vulnerability of isolated Europeans such as railway workers, the prevalence of trumped-up cases and false witnesses, and the inability of working men to afford competent lawyers.

But Atkins never finished his appeal. The delegate from Wolverhampton interrupted him to say that he understood that the Bill was supposed to help Indians. He did not see why qualified Indians should not be given positions of power; "we in this country would not like anyone to come from India and domineer over us."<sup>199</sup> Atkins replied that if Indians were fit to exercise the jurisdiction, no European would deny it to them. But they were not fit, and it would take many years before they were, he said. Another delegate said he felt the system of justice would be improved under the Ilbert Bill. A third said he had heard different things about the Hindu religion, "some of whose members would not even kill a fly." He thought working men should do all they could to raise the natives of India on the social scale. It was moved: "That in the opinion of this meeting the policy of the Indian Government should be to freely open all official positions to every person, irrespective of race and creed, provided always that such person is duly qualified for that office." Carried unanimously.<sup>200</sup>

Despite this fiasco, Atkins kept busy. In a letter to the *Times*, he presented a new approach: the principal supporters of the Bill, he claimed, were land-owners and other conservative interests. The Bill would hurt 'the poor helpless *ryots*, native artisans, and industrial class' because it would extend the power of Indian magistrates, whom the Indian workers allegedly feared.<sup>201</sup> He addressed anti-Bill meetings at Exeter on October 19 (along with Branson), the Balloon Society on October 26, and the London and Westminster Working Men's Constitutional Association on November 12.<sup>202</sup> The London correspondent of the *Pioneer* wrote that Atkins "is continuing his good work in various parts of the country, and is being exceedingly well received."<sup>203</sup> However, he asked the Trades Union Congress Parliamentary Committee for their help and was refused.<sup>204</sup>

Advocates of the Bill stepped up their activities, too. Pro-Bill meetings were held in Exeter, Coventry, and Bath.<sup>205</sup> Another new organization, the Indian Reform Association,

was created “to co-operate with the people of India in promoting their political progress and material interests and to inform the British public regarding the condition of India”.<sup>206</sup> A long letter to the *Times* from W.W. Hunter (in Simla) was acknowledged by that paper as the best defense of the Bill yet published.<sup>207</sup> Even the *Pioneer*, noting this belatedly, had to admit that the Bill was, after all, more than a whim of Ripon’s.<sup>208</sup> The Anglo-Indians, in carrying their campaign to England, had build some support for their campaign, but they had also encountered more resistance than expected. Evidently their mind-set was not so easily transferred overseas.

## 7. The Zamindars and the Tenancy Bill

The Ilbert Bill controversy did not exist in a vacuum, but was intermixed with the stresses and strains of other issues of the day. While the Bill’s drama was unfolding, the same officials were considering other issues and handling the vast routine of administration. In particular, Ripon expected 1883 to be the year of the Bengal Tenancy Bill (sometimes called the Rent Bill), which he considered far more important than the Criminal Procedure Code amendment.<sup>209</sup> The titles and revenue assessments of the *zamindars* of Bengal had been fixed by Cornwallis’s permanent settlement of 1793, but countervailing rights for the tenants had not, and Ripon wanted to give them greater protection. His bill (predictably opposed by the *zamindars*) had been delayed because of differences with the India Office, but it was finally drafted and introduced into the Council on March 2, 1883.<sup>210</sup>

Kristo Das Pal, of the *zamindar*-dominated British Indian Association, had warmly endorsed the Ilbert Bill at the March 9 Council meeting, but soon other Indian leaders were watching him skeptically. In June, *Reis and Rayyet* accused Pal of “caring really and chiefly for the cause of the *zamindars*” instead of the nation as a whole.<sup>211</sup> In July, his *Hindoo Patriot* launched its anticipated attack on the Tenancy Bill.<sup>212</sup> An anti-Government alliance was a logical development, and

Lambert detected talk of an understanding between Anglo-Indians and *zamindars*: "You give up the Jurisdiction Bill, and we will help you with the Rent Bill."<sup>213</sup> A Defence Association speaker said it publicly on August 6: If we are deprived of our privileges today, the *zamindars* will be deprived of their property tomorrow . . . It seems to me, sir, that we have common grounds with the *zamindars* in resisting this type of legislation."<sup>214</sup>

Suspicions deepened when the British Indian Association refused to participate in Banerjea's National Fund. However, the *Hindoo Patriot* said this was because the Indian Association, which controlled the fund, was supporting anti-*zamindar* measures (presumably the Tenancy Bill), and that this did not mean any weakening of support for the Ilbert Bill.<sup>215</sup> Even more suspicious was a November 17 meeting of a "Central Committee of Bengal and Bihar Landholders" in Calcutta, chaired by Rajendralala Mitra, president of the British Indian Association. The first resolution against the Tenancy Bill was proposed by Jotindra Mohan Tagore and seconded by none other than J.J.J. Keswick. Speakers protested the supposed unfairness and arbitrariness of the Government in trying to abridge what were considered long-recognized rights and privileges. Indian speakers expressed their gratitude to European friends for their help. Among those present were Apcar and Macgregor.<sup>216</sup>

Some considered these strange bedfellows, but not the *Hindoo Patriot*: "We observe that some of our contemporaries are very angry because the Native *zamindars* have coalesced with the European *zamindars* in opposing the Tenancy Bill. We cannot understand that where the interests of Europeans and Natives are identical, why both should not fight under a common banner."<sup>217</sup> After all, Keswick had participated only as a representative of a large landholding firm. Other papers, however, were not mollified; they felt that no common cause justified breaking bread with the very men who had been vilifying and abusing them. To some, these *zamindars* were even traitors.<sup>218</sup> It must have been a cruel dilemma: national interests versus class interests. The *Bombay Gazette* thought that "the pressure of opinion amongst the mass of their own countrymen" would keep the *zamindars* in line,<sup>219</sup> but there were

defections. Hume wrote to Ripon:

Unfortunately, we have almost all the ablest natives in Bengal (because landholders) against us now, and they are for the most part more angry about the Rent Bill than pleased with the rest of the policy. A considerable section has been and is trying to do its duty; the inner circle has never wavered but a large portion of the leaders have virtually deserted us.<sup>220</sup>

Thus, Ripon faced a significant loss of support for the Ilbert Bill, including perhaps a vote or two in his Council, because of the Tenancy Bill, and perhaps *vice versa*. But for the zamindars, the loss was to be even greater. The combination of their weakened support for the Ilbert Bill, their adamant resistance to the Tenancy Bill, their shunning of the National Fund, and their meeting with Defence Association leaders reduced their political leadership in Bengal as the concerned young men turned elsewhere. It soon became evident that the parade had passed them by.<sup>221</sup>

## 8. The Problem of Credibility

As the Ilbert Bill controversy proceeded, there developed what could be called a 'credibility gap'. Europeans simply did not believe their Government was telling them the whole truth. They accused it of issuing false statements and distorting news reports. At the onset, they had claimed that the Government had sprung the Bill on them by surprise.<sup>222</sup> They had seen in Cross's erroneous statement a 'proof' that the Government was trying to slip it quickly past them.<sup>223</sup> Although this had not occurred, the jittery Europeans continued to watch Ripon and his colleagues suspiciously. These suspicions were fed by a series of acrimonious incidents in which the Government's veracity was challenged.

For example, the *Englishman* accused the Government of secret motives for pushing the Bill. stronger than the 'trifling'

reasons given of anomaly and inconvenience. The Government, it claimed, was determined to substitute Indian for European judicial officers throughout the country as rapidly as possible, to reduce the British presence in the civil service to "a mere fractional percentage of their present numbers."<sup>224</sup> The only barrier to this wholesale change, it continued, was the legal requirement that Europeans be tried only by Europeans, and therefore the elimination of this barrier was merely the first step in this plan of "rapidly Indianising the entire administration."<sup>225</sup> In fact, there is nothing in the archives or the Ripon papers to indicate that the Viceroy wanted anything more than equal opportunities for service recruits of both races. Reuter's, in transmitting its account of his March 9 Council speech, accidentally dropped a qualifying 'one-sixth', so that readers in Britain were told that the 'statutories' would comprise the entire Civil Service.<sup>226</sup> However, there is no indication that anyone in India noticed this omission.

A more serious matter regarding that same Reuter's dispatch was the blatantly partial account which that supposedly impartial news agency gave of the debate. It devoted more space to Ripon's speech than to all the others combined; none of the arguments against the Bill were given, and Thompson's statement was distorted.<sup>227</sup> When the newspapers carrying this dispatch reached India, the *Pioneer* and the *Englishman* were indignant at what they called the 'cooked telegram', distributed by Reuter's, but actually sent and paid for by the Government, it was charged.<sup>228</sup> These complaints reached England, and the opposition raised the matter in the Commons. Sir Herbert Maxwell asked if the report was not actually "sent on account of Government as an exposition of their view," and Cross admitted that, in effect, it was.<sup>229</sup> The *Times*, reminding readers that its own correspondent sent a fuller and better account, raged: "The offence is one which admits of no apology or extenuation. Its imbecility was almost greater than its unfairness . . . it could only damage the cause it was clumsily employed to promote."<sup>230</sup> Thus, the 'cooked telegram' compromised both the Government and Reuter's and exposed them to rebuke.

One incongruity, in the eyes of the Bill's opponents, was the role of Sir Ashley Eden, former Lieutenant-Governor of

Bengal and a man never suspected of sympathizing with Indian political aspirations. Eden had transmitted Gupta's note to the Government of India with his own endorsement,<sup>231</sup> and his support had been cited by Ilbert when he introduced the Bill. Yet Griffith Evans, in the March 9 Council debate, and Lytton, in the House of Lords debate, both said that Eden had not requested a change in the law, but had merely stated that it should be considered at some fitting time.<sup>232</sup> Soon after, Evans received a letter from Eden in which he denied any share in the Bill. He had merely sent Gupta's note to the Government for future consideration, he claimed. By saying the time had arrived for a change in the law, he had only meant that it was a time when Indians would be reaching high office. He still felt that 'competition wallahs' could be entrusted with responsible positions, subject to their not being allowed to try all cases brought before them.<sup>233</sup>

Word of the letter to Evans spread. A.B. Miller told the August 6 meeting: "It is no secret here that Sir Ashley Eden has written letters to gentlemen in the city repudiating with indignation and scorn the notion that he was answerable and responsible for the Bill."<sup>234</sup> Ripon complained about this letter to Kimberley, and the Secretary of State acknowledged that Eden desired to slough off his responsibility, "which indicates a sad weakness of character."<sup>235</sup> When Eden's repudiation was cited in a public memorial to Parliament, Ripon was furious. He told Kimberley:

I need not point out to you that, if Members of your Council write private letters to India in opposition to the policy not only of the Government of India, but of the Government at home, and if those letters are communicated to the bitterest enemies of the Government at a time of much difficulty, it will be almost impossible to carry on the Government of this country at all.<sup>236</sup>

He sent him a copy of Eden's letter to Evans, along with a copy of the original Eden memo: "... Sir Ashley Eden is of the opinion that the time has now arrived when 'all Native Members of the Covenanted Civil Service should be relieved of such restrictions of their powers . . .' " Ripon added tartly:

"If such language did not mean that the time had come for making a change in the law in that respect, I do not know what it did mean."<sup>237</sup>

The gist of the local opinions on the Bill had been 'leaked' to the Press, and opponents knew that most of them were unfavorable.<sup>238</sup> Conservatives in Parliament kept asking Cross for the opinions, and he kept replying (truthfully) that they had not yet arrived from India.<sup>239</sup> Then he was asked for an unofficial summary of the local views, and on August 20 he answered that "Bengal and Assam urge withdrawal of the Bill; Madras, Bombay, Punjab, North-Western Provinces, and Central Provinces are against the withdrawal. . .we understand that various modifications of the Bill are suggested by the local Government."<sup>240</sup> This answer, while technically correct, was misleading in that it did not convey the negations and doubts of even those governments which had not urged withdrawal. Lyall, for example, had approved only a tiny part of the Bill, and yet the North-Western Provinces was listed simply as opposing its withdrawal. The Anglo-Indians saw the answer as more Government trickery. The Defence Association demanded publication of the full opinions.<sup>241</sup> Macgregor repeated his own summaries to show how unfair the Government's summaries were.<sup>242</sup> When the full opinions were finally published, the *Times* felt that its correspondent had been vindicated again.<sup>243</sup>

At the same time, further charges of deception arose over the numerical summaries of opinions for and against the Bill. When the published opinions were released in Simla, Reuter's dispatch said: "Out of a total of 140, 114 are in favour of and 26 opposed to the principle or policy of the measure."<sup>244</sup> But Macgregor calculated it: Europeans favoring the Bill, 13; for compromise, 36; for withdrawal, 173; total, 222. Indians favoring the Bill or a compromise, 49; for withdrawal, 15; total, 64, and this proved approximately correct.<sup>245</sup> The *Times* was outraged: ". . . we were not prepared to find the case misstated with such audacious thoroughness." Reuter's received its summary from an official source, so once more the Government must have been to blame:

It is, unfortunately, not the first time that ordinary channels of public information have been used, in connexion with

this matter, to convey a wholly erroneous impression of what has been done in India . . . So mischievous an innovation upon the methods by which English gentlemen . . . carry on public business contrasts somewhat oddly with the high moral tone taken by supporters of Lord Ripon's policy. . .<sup>246</sup>

This time, however, the *Times*'s ire was apparently misdirected. Frederick J. Griffith, secretary of Reuter's, wrote that his correspondent had been asked to explain the discrepancy. "From his reply," he said, "it appears that a most serious error occurred in the transmission of his telegram over the wires; that instead of 114 opinions being favourable and only 26 contrary, as received by us, the figures actually sent by our correspondent were 114 in favour of, and 205 against, the principle and policy of the Bill."<sup>247</sup> When the Viceroy read the *Times* editorial quoted above, it was his turn to be outraged: "This charge against me is a lie pure and simple . . ."<sup>248</sup> But the *Times* never retracted, and Ripon could do nothing.

The result of such a series of incidents, when added to the general rancor, was predictable. Col. John Biddulph, Northbrook's former *side-de-camp*, wrote to that ex-viceroy:

One of the worst signs is the extreme discredit into which the Government has fallen, and the readiness with which imputations of dishonest dealings are received. I cannot remember such a feeling ever existing before. This feeling appears to be as strong, if not stronger, among officials than in the non-official community. . .<sup>249</sup>

Stanhope, speaking in Edinburgh on November 1, cited the above list of episodes (except the Eden affair) as examples of Ripon's "Jesuitical artifices"<sup>250</sup> And worse was to come.

Kimberley granted a private interview to Atkins on November 21, at which the railway workers' delegate told him that passage of the Bill would not end the agitation and might even create serious disturbances. Kimberley said the matter rested with the Legislative Council in India. Then, according to Atkins, "his lordship said that he wished it to be particularly understood that the English Government had nothing

whatever to do with the Bill, which was initiated by Lord Ripon.”<sup>251</sup> The impact was sensational. The London correspondent of the *Times of India* cabled: “Great surprise has been occasioned in Indian circles to learn that the Secretary of State completely repudiates the Ilbert Bill, and wishes it to be particularly understood that the British Government have no concern with the measure”.<sup>252</sup> This was reprinted by the other European papers in India. Even Ilbert was upset at this. He told Ripon the report “has raised the hopes of the opponents of the Bill, who think that the Home Government are preparing to throw us over. . . . There must be no mistake about the question whether we are or are not being supported by the Home Government. If we are not, your position is impossible . . . ”<sup>253</sup>

Kimberley’s secretary wrote to the *Times* that his lordship had no intention of implying that Her Majesty’s Government did not approve the Bill.<sup>254</sup> Atkins reiterated his version; it was again denied.<sup>255</sup> But no official version ever emerged from the India Office. From the wording of the two statements, it is possible that Kimberley told Atkins matter-of-factly that the Bill had been initiated in India, and that final action on it would be taken by that Government. On the other hand, it is also possible that Kimberley was subtly trying to shift pressure from himself to Ripon. Whatever Kimberley had in mind, the impression of official duplicity lingered. The *Pioneer* said it looked as if the Home Government wanted even collateral incidents to sustain “the evil reputation of the Bill itself.”<sup>256</sup>

Finally, there was the incident of the “lost minute.” Lord Hartington, in a speech at Accrington on December 1, told how he had been trying to defend Ripon’s policies. Then he said:

. . . in the House of Commons I attributed, perhaps, too-much responsibility to the Indian Council in this country, and I am told that some members of the Indian Council think that I did place too much responsibility upon them . . . I admit that although no formal vote was taken. . . some doubts and hesitations were expressed, and although no one disputed for a moment the policy or expediency of that measure, yet some warnings were held out that ques-

tions of this kind. . .had in former times caused great dissatisfaction among the European community in India; that it would be well that the attention of the Government should be unofficially called to that fact, and. . .they should decide upon the course to be taken. I am glad to have this opportunity of relieving the Council of India in this country of any responsibility in regard to this measure which they ought not to bear.<sup>257</sup>

This came as a distinct surprise, not only to the public at large, but to Ripon. The Viceroy had simply been told that the Bill had been routinely approved by Council.<sup>258</sup> Hartington had said so in the Commons on February 26.<sup>259</sup> Kimberley had told the Lords that there had been no dissentients when the Council had considered the Bill.<sup>260</sup> The London correspondent of the *Englishman* promptly cabled a summary of the Accrington on speech to Calcutta, adding: "Much indignation is felt at this confession of further deception in connexion with the Bill."<sup>261</sup> 'Britannicus' concluded, not unreasonably, that either Hartington or Ripon had suppressed the truth until this admission under pressure that Council members had opposed the Bill.<sup>262</sup>

What had actually happened, one member wrote privately, was that the Council had not wished to block the Government's Bill, though "not one of us really approved of it in its entirety".<sup>263</sup> It was also reported that one Councillor, Sir Henry Maine, had written a warning that such matters could be dangerous. The Council finally decided to approve the Bill, and to send Maine's minute to Ripon privately and let him decide what to do. However, the minute was never sent. Hartington reportedly put it in his pocket, then changed his coat and forgot all about it.<sup>264</sup> Even if Ripon had received the warning, he probably would have proceeded with the Bill; he had been warned and knew that it was a hazardous enterprise.<sup>265</sup> But the Government had been caught once again deceiving the public by overstating the support which the Bill had received, and it had been forced to back down in humiliating fashion just as the final decision on the Bill approached and the Viceroy needed all the support he could get.

Through this series of incidents, the 'credibility gap'

widened. Ripon, with his run of bad luck, always seemed to catch the blame, whether the real culprit was the absent-minded Hartington, the spineless Eden, or the fumbling Reuter's. But the Government of India was not blameless. Aside from its culpability in specific incidents, it never understood the importance of explaining its actions fully and promptly to a concerned public. Conducting its business largely out of the public eye made it subject to suspicions and misunderstandings. The resulting incidents aggravated an already-bad situation.

## 9. Preparing for the Showdown

Ripon knew that no Bill, however modified, would win approval of the Europeans, but he hoped that one as innocuous as the 'Turner Compromise' would keep them from fussing too much.<sup>266</sup> Northbrook, too, felt it should satisfy opponents, "except the d—d nigger party and perhaps Salisbury".<sup>267</sup> Lyall wrote that if the Bill were confined to District Magistrates and Sessions Judges, he would not anticipate any serious European resentment in the North-Western Provinces. Ripon, in reply, looked ahead: "What is of real importance now is to use every effort to prevent a continuance of the agitation after the Bill is passed. Englishmen generally accept the inevitable with a pretty good grace, even when they have fought vigorously, and I trust that they will do in this case."<sup>268</sup> However, even before the Despatch was dispatched, the *Englishman* asserted that no compromise whatsoever would be acceptable. The Government could not be trusted to abide by it. Once the principle of the Bill—Indians trying Europeans—was accepted, there would be constant agitation to extend it.<sup>269</sup> The *Times* assailed the compromise as "insincere and shabby".<sup>270</sup>

By late August, Anglo-India was seething with rage at Gladstone's speech and in no mood for compromise.<sup>271</sup> Roberts called India "more agitated by the Ilbert Bill than has been the case since the Mutiny."<sup>272</sup> One European proposed luring many thousands of white Australians with attractive employ-

ment and thus making India a safely conservative center of empire. He continued: “The British Crown, once firmly established in India, could not only trample out Radicalism in every quarter of the Empire, but also go to the aid of other European communities, now struggling in the octopus grip of that fell enemy to human progress. . . .”<sup>273</sup> The Behar indigo planters were the most vehement. W.B. Hudson, secretary of their association, wrote to Keswick that “the first native that tries a planter without the planter’s consent to his jurisdiction, we will probably have that native out of Court and try him.”<sup>274</sup> The planters of Muzafferpore went even further, declaring that if the Bill were passed, they would “collectively decline to submit to it, and would never recognize the right of Native Magistrates to try them, and would hold together as one man in the defence of their rights.”<sup>275</sup> Lambert received the following from “a man who knows the country well”:

... I was really astonished, when in Behar last week, at the bitterness and insane ferocity of the Behar planters.

The idiots talk in the calmest way of rising against the Government, and say that European troops would never act against us. Fancy Englishmen even talking in this way!

It is very lamentable, but I fear the soldiers have been worked upon, and a stray spark might produce a fearful explosion.<sup>276</sup>

Ripon saw that passage of even the compromised Bill by the Legislative Council would not end the agitation. Only a decision by the House of Commons would do that, Ripon said, and he renewed his appeal for such a vote.<sup>277</sup> He proposed a truce to Thompson, who had become something of a go-between. He would delay Council action until the end of February in order to give Parliament a chance to express its views, if his doing so would prevent “the holding of excited meetings and the making of violent speeches.”<sup>278</sup> But if such meetings would be held, it would be better to pass the Bill quickly and have done with it. Thompson replied that if it were openly stated that the disposal of the question rested with the Commons, there would be no grounds for further agitation in India.<sup>279</sup> The Viceroy again asked for a vote, citing Lambert’s warning and the

unabated fury of the agitation.<sup>280</sup> His letter crossed one from Gladstone, telling him that his idea had been rejected.

Kimberley wanted Ripon to pass the amended Bill as quickly as possible; a further postponement would appear to be weakness and encourage the agitation. Submitting it to Parliament, he told Gladstone, "would be in effect to supersede the Council in its constitutional functions and would be a very bad precedent".<sup>281</sup> The Home Government had made its support of the Bill clear; it had accepted Ripon's modifications; Kimberley felt that the rest was up to the Viceroy, and he could see no reason for delay. The Secretary of State was showing signs of irritation with the Viceroy; perhaps unaware of the scope of the conflict, he feared Ripon had been unduly frightened.<sup>282</sup> The Viceroy seemed "rather too anxious to shift the responsibility for the Bill," he wrote to Gladstone "... the Government of India and the Viceroy especially cannot escape their primary responsibility for it, and attempts to do so show weakness. . .".<sup>283</sup> Gladstone concurred in Kimberley's views on the Bill, and so he wrote to Ripon, rejecting his pleas. Submitting the question to the Commons, he said, would be an abdication of executive responsibilities. A party-line vote would prove nothing, while the debate would give critics an opportunity for a thousand "new and unheard of assertions." Opponents in India would not be conciliated, "but they would at once feel themselves stronger, and, at a critical time, would be fiercer, while native confidence would shaken. . .".<sup>284</sup>

Reception of the letter containing Lambert's warning did not change Kimberley's mind. He faced up bravely to the danger of troop disaffections 6,000 miles away, and he did not see why Ripon should waver either, although he might warn the Commander-in-Chief to keep a strict watch on his troops. "I can hardly believe they can really be corrupted," he told Gladstone, "but they may be influenced by the atmosphere of wild abuse of the Government by which they are surrounded."<sup>285</sup> Gladstone's decision rejecting a Parliamentary debate was confirmed officially by the cabinet, and Kimberley told Ripon that the sooner he proceeded with the Bill, the better.<sup>286</sup> The Home Government had washed its hands of the matter.

Back in India, as the weather grew cooler, the protestors turned up the heat. The Defence Association branded any bill which would subject Europeans to Indian judges and magistrates "vicious and obnoxious in principle, and . . . oppressive and disastrous in practice."<sup>287</sup> A protest meeting in Allahabad on October 4 drew 300 Europeans.<sup>288</sup> A speaker in Darjeeling claimed that the Babus saw the Bill as a license to take any advantage they wished of helpless European women.<sup>289</sup> Other protest meetings were held by planters in Sibsagar, Lakhimpur, Behrampore, and Bangalore.<sup>290</sup> A strident public meeting was held in Silchar on September 29, attended by 193 Europeans of Assam's Cachar District, including the District Officer. One speaker threatened united armed resistance throughout India, organized by the Defence Association. One resolution, similar to that of the Muzaffarpore meeting, read:

We pledge ourselves in the event of this Bill being passed to resist it individually and collectively by all the legal means in our power. We will not be tried by a Native, nor acknowledge his jurisdiction over us, no matter what his position may be, and we shall support to the utmost any European British subject in India in this determination...<sup>291</sup>

Colonel Biddulph wrote to Northbrook that matters were going very badly. The agitation is very serious, he said, but "nobody in high position dares acknowledge how serious it is, though well aware of it." He continued:

You may imagine how far this has gone when I tell you that precautions have been taken lest Lord Ripon should be insulted on his way down country, and threats of wrecking his train have been uttered. Nobody believes for a moment that either is probable, but it is a new thing for an English Viceroy to have to take precautions against his own countrymen; and there is a real danger of a collision between Englishmen and Natives in Calcutta. . . .<sup>292</sup>

Biddulph said the Anglo-Indians felt that the Government would not dare send troops against them because the men sympathized with them; that they did not need the British

Government, but could take care of themselves and set up their own Government.<sup>293</sup>

This sort of fantasizing came into the open a few days later, on October 16 and 17, when the *Englishman* ran an unusual two-part editorial. The paper forecast a civil war in England similar to that of 1640, of the Crown against the Radicals. The European community in India would fight for the Crown, naturally, and its many thousands of volunteers, when added to the British Army in India, would easily dispel the rebels once it reached English shores. Therefore, when Ripon and his colleagues said they wanted to improve the lot of the Indian people, their secret purpose was to crush the Anglo-Indians and thus prevent their interfering with plans for a Radical republic in England. "In resisting that determination," it said, "the British community in India will not only be upholding their own interests and honour, but fighting the cause of order and constitution at home."<sup>294</sup> The *Englishman* did not suggest what the hundreds of millions of Indians might be doing while the expedition was gone; apparently, they were not a factor to be considered.

In England, the India Council studied the local opinions and concurred in the 'Turner Compromise'.<sup>295</sup> Kimberley observed:

The opinions of the Civil Service against the Bill seem to me to be those of men who are so influenced by the fear of facing the animosity of the society of Europeans in which they live that they are unable to take a far-sighted political view of the effects of subordinating our policy to the prejudices of the Anglo-Indian community.<sup>296</sup>

The modifications were first announced publicly by Northbrook in a November 13 speech in Bristol. He combined it with a thoroughgoing defense of Ripon and of the principle of a color-blind judiciary that even the *Times* called "by far the most courageous, able and thoroughgoing statement of the case for the Indian Government that has yet appeared."<sup>297</sup> But by that time the terms of the compromise had long since been known and rejected by the Bill's foes.

Adoption of the compromise did not end the argument,

not even in England. Meetings pro and con were still held. The *Times* used Ripon's conversion to Catholicism as the basis for a sharp personal attack on him. A man who, at the age of 50, "apostatizes from the religion of his fathers . . . certainly does not possess the strength and solidarity of intellect required in a ruler," it said. "A man who, at that age, passes a crushing vote of censure on his own private judgment by handing it over to a priest, deserves no more confidence from others."<sup>298</sup>

Fitzjames Stephen wrote two long letters to the *Times* summing up, in his best forensic manner, the case against the Bill.<sup>299</sup> Trying to prove that Englishmen should have English judges, he may have proved too much about British India:

Europeans in India are essentially and always must be neither more nor less than a handful of foreigners, divided from the general population of the country by every line of demarcation which can estrange one man from another . . . the difference of colour makes an indelible outward and visible distinction, . . . and this distinction substantially coincides with a series of other distinctions which it comes to typify and symbolize. The black man and the white man talk different languages, they hold different religions, they have different habits of life, which in most cases forbid them even to eat together, much more to associate together, and to intermarry; they live upon different kinds of food; they do different sorts of work. All of their political and many of their moral opinions and feelings are not only different, but conflicting . . . The Englishman is a stranger and a sojourner. Hardly any Englishman makes India his home from choice. All who can afford it send their children to England, and spend in England as large a part of their time as their money and other circumstances will permit. There is hardly any easy, friendly, unofficial social intercourse between the English and the natives.<sup>300</sup>

The Government's decision to pass the Bill back to Ripon for quick disposal may have been due to its potential political hazard. Hughes told Ripon that many Liberals showed signs of wanting to draw back from the Bill.<sup>301</sup> Conservative gains.

in November municipal elections led Ilbert to fear that 'his' Bill had become a political liability, and that the Home Government was "quietly preparing to throw us over."<sup>302</sup> The opposition, balked in its efforts to get a debate in the Commons, made one effort to stop the Bill by taking their case to the electorate. A seat fell vacant at Ipswich, a coastal constituency in eastern England with a large working class vote. It was a politically marginal district—the previous M.P. had been a Conservative who had won narrowly in 1880—<sup>303</sup>, so it should have been a good weathervane. The Conservative candidate in the by-election, Sir William Charley, issued a campaign statement opposing "the present policy of surrender which has sacrificed the fruits of British victories and threatened to lead to the dismemberment of the Empire."<sup>304</sup> Branson went to Ipswich and began stumping for Charley.<sup>305</sup> The polling was set for December 12, and both sides expected a close and crucial election.

In India, meanwhile, Ripon left Simla on October 20 for his tour of Kashmir, keeping in touch all the while with unfolding events and planning his return to Calcutta. To replace Baring, it was essential to get a Finance Member who not only agreed with his basic principles, but was sturdy enough to stand up to threats and pressures. Ripon had long since determined that he would not overrule his Executive Council, and approval of the Bill there required five votes. The Viceroy knew of his own, felt he could count on Ilbert and Gibbs, and the Finance Member would be a necessary fourth. Even so, Ripon would need one more vote from among General Stewart, who had backed him before but was under great pressure; Bayley, who had been wavering even in March; and Hope, in whom he had no confidence. (General Wilson was, of course, opposed.) The appointment went to Sir Auckland Colvin, Calcutta-born, 25 years in the Civil Service, and returning to India after two years as financial adviser to the Khedive of Egypt.<sup>306</sup>

Among the Additional Members, the terms of Syed Ahmed Khan and Rajah Siva Prasad were expiring. For the 'Muslim seat', Ripon appointed Syed Amir Ali, theologian and scholar in Islamic law, and founder and secretary of the National Muhammedan Association.<sup>307</sup> He needed a spokesman of

Indian landed interests, so he named Lachhmeswar Singh, Maharajah of Darbhanga, a young, orthodox, and extremely wealthy Bihar landowner.<sup>308</sup> Finally, he added to the European opposition by appointing a planter member, T.M. Gibbon, manager of the Bettiah Estate. Clearly, Ripon was less concerned with vote-counting than with a balanced and (somewhat) representative Legislative Council.

Ripon's anxieties were magnified by the fact that an International Exhibition was to be held in Calcutta, and the city would be thronging with foreign visitors during the winter. It would be opened on December 4 by Prince Arthur, Duke of Connaught. A public quarrel would be an embarrassment, and a riot doubly disgraceful. In any winter, the viceregal ceremonies and entertainments highlighted the social season. Here was a means of self-expression for Europeans. One letter writer proposed that the Volunteers, who traditionally provided an honor guard for the annual return of the Viceroy, boycott that event. He said:

We are now asked to do honour to the man who has done his best to bring India to ruin—who has set race against race to an extent that may endanger the peace of the Empire—and who is now deliberately, we are told, to break every pledge and promise he has solemnly given to us . . . when we and our wives and daughters are on the eve of being reduced to a state which is about as loathsome to us as slavery . . .<sup>309</sup>

Another proposed a boycott of not only all Government House functions, but all gatherings attended by Ripon, whom he no longer considered the Queen's representative.<sup>310</sup> A third wanted Ripon to be given “the reception he has so justly merited at the hands of his fellow-countrymen” upon his arrival.<sup>311</sup> A fourth, more specific, warned that the Viceroy was likely to be humiliated by a hissing at the Exhibition, Duke or no.<sup>312</sup>

Faced with these threats, Ripon wrote that the Government must do what it can “to avoid the risks of a street row in Calcutta. Such things in India can never be light matters.”<sup>313</sup> But a street row became more and more of a possibility.

Macgregor wrote that the agitation was daily gaining strength, and that people returning to Calcutta were astonished at "the intensity of bitterness which public feeling had reached."<sup>314</sup> He blamed the entire affair on Simla-ism: The Government, "perched for eight months of the year on a remote hilltop, and surrounded by secretaries . . . soon loses touch, not only with its own district officers, but also of the general public..."<sup>315</sup>

November saw a new round of *mufassil* meetings, as protests rose in anticipation of a showdown. The Defence Association, which now had more than a thousand dues-paying members and a war chest of 150,000 rupees, sent model resolutions to each local branch for its 'guidance.'<sup>316</sup> Europeans in Chittagong resolved that if the Bill were passed; they would ignore the jurisdiction of Indian magistrates and support the Defence Association "in any course which it might see fit to adopt."<sup>317</sup> During the latter half of November, meetings were held in Sibsagar, Jorehaut, Wynnaad, Madras, North Lakhimpur, Delhi, Nuddea, Jessore, Nainital, Bhagalpur, Simla, Kurseong, and Mirzapore.<sup>318</sup> Dibrugarh planters held their fourth and biggest protest meeting, passed resolutions, and cheered for "no compromise and no surrender."<sup>319</sup> Other meetings passed similar resolutions, dutifully concluding by pledging allegiance to the Defence Association. A Lahore meeting went further; it resolved to ask Ripon's recall.<sup>320</sup>

The Viceroy visited the Punjab and the North-Western Provinces in late November, en route to Calcutta. He was pleased by his cordial reception in Lahore and Allahabad, even from non-officials, and by the 'spontaneous enthusiasm' of the Indians.<sup>321</sup> The *Indian Mirror* told of a huge and enthusiastic turnout in Allahabad, with deafening cheers of "Lord Ripon *ki jai!*" (Victory to Lord Ripon)<sup>322</sup> Lyall wrote:

H.E. was very cool and plucky while here, and showed considerable gameness; though, of course, he knew a disagreeable reception awaited him in Calcutta. I was touched by his generous self command: he might have shown some umbrage at the rather lukewarm support he got from me. I have since written a letter in strong support of his determination to carry through a modified measure, and not to withdraw the Bill.<sup>323</sup>

Word reached Ripon on the situation ahead. Gibbs, back from home leave, found people in Calcutta set in their prejudices against the Bill, which he said had become the sole topic of dinner party conversation.<sup>324</sup> Ilbert informed the Viceroy (facetiously?) that no one had yet thrown brickbats at him.<sup>325</sup> Colvin regretted the need for prompt action on the Bill; people in Calcutta considered it an attempt to stop their successful campaign in England, he said.<sup>326</sup> (The London branch of the Defence Association had been cabling a steady stream of messages to Anglo-Indian papers, reporting each speech, letter, and editorial against the Bill and depicting each such meeting as a great success.) Baylcy, too, wished for a postponement. He told Ripon that resistance had spread far wider since the spring; a boycott of Government social functions was being talked up, with Chief Justice Garth among the talkers, accompanied by plans for counter-entertainments.<sup>327</sup>

Ripon, with his fear of riots, had discouraged any attempts at counter-demonstrations by Indian political leaders in support of the Bill, but some apparently were becoming restive. Hume wrote to him that "if we are going to delay much longer passing the Bill, and if in the interim the frantic activity of our opponents is to continue unchecked . . . our position grows untenable."<sup>328</sup> Meanwhile, the Defence Association was planning a monster rally for Christmas Week, gathering Europeans from all over India and paying their expenses.<sup>329</sup> The *Indian Daily News* warned against exasperating men with arms in their hands. Passage of the Bill would not end the matter, it said. "No stone will be left unturned to escape from its operation," it continued. "It will be constantly before the superior Courts, and will be the object of never-ending appeals to England. In fact, Lord Ripon has only to pass the measure to see the present agitation for its withdrawal become at once an agitation for its repeal."<sup>330</sup> Ripon's train was bound for Calcutta and a rough reception.

To sum up, events between March and December of 1883 served only to heighten the anger and widen the gap between all parties. For a brief moment, Ripon felt that a compromise proposal might pacify (if not satisfy) reasonable opposition, but no one was pacified (much less satisfied). The collection of local opinions showed that provincial government heads

were largely hostile, unconcerned, or spineless. Most district officials shared the narrow views of those around them, or at least would not oppose them. Planters met and swore to resist the Bill, however modified, by every available means. Indians, furious at the scorn heaped on them by Europeans, were further infuriated by the two-month imprisonment of Surendranath Banerjea. A series of minor incidents badly damaged the Government's credibility and further frayed tempers. The Home Government's efforts to help were half-hearted, belated, and bumbling; Gladstone's speech on the subject served only to arouse further resentments. In addition, the Government's refusal to seek a Parliamentary endorsement and its insistence that the Bill be enacted quickly put the Viceroy on the spot. He was caught between an insensitive Home Government and an adamant and menacing opposition. Lyall justifiably called it "the most unlucky business that ever a Viceroy got entrapped in."<sup>331</sup>

## NOTES

<sup>1</sup>Lambert to Primrose, July 18, 1883, R.P., I.S.P., BP 7/6 (vol. II of 1883), pp. 26-27. See also *Ananda Bazar Patrika*, Apr. 9, 1883, quoted in R.N.P., Bengal, 1883, p. 167, and Strachey, *India*, p. 155.

<sup>2</sup>Banerjea, p. 90.

<sup>3</sup>Apr. 9, 1883, p. 172.

<sup>4</sup>*Times*, Dec. 3, 1883, p. 8. For a further comment on the Bill by Sir Bartle, see John Martineau, *The Life and Correspondence of Sir Bartle Frere* (London, 1895), II, 441.

<sup>5</sup>*Statesman*, Dec. 5, 1883, p. 3, and Dec. 6, 1883, p. 2; *Indian Speculator* Dec. 30, 1883, quoted in R.N.P., Bombay, 1884 (*sic*), week ending Jan. 5, p. 16; *Kesari*, Jan. 8, 1884. *ibid.*, week ending Jan. 12, p. 16.

<sup>6</sup>*Hindoo Patriot*, Mar. 5, 1883, pp. 112 and 116.

<sup>7</sup>*Statesman*, p. 2.

<sup>8</sup>Mar. 5, 1883, p. 112.

<sup>9</sup>Mar. 8, 1883, pp. 5 and 6.

<sup>10</sup>*Ibid.*, p. 7. The reference was to Branson's 'sleeping lion' imagery in his speech (*infra*, Appendix C).

<sup>11</sup>*Ibid.*, p. 8.

<sup>12</sup>*Englishman*, Mar. 8, 1883, p. 3.

<sup>13</sup>Letters of 'Civis' and 'A European,' Mar. 7, 1883, p. 2.

<sup>14</sup>They have been cited above in Part C, fn. 161 and 180.

<sup>15</sup>P.P., Commons, vol. LX of 1884, c-3877, pp. 197-98.

<sup>16</sup>*Ibid.*, p. 199.

<sup>17</sup>*Ibid.*, p. 206. See also Part C, n. 151.

<sup>18</sup>*Ibid.*, p. 201.

<sup>19</sup>Brajendranath De, "Reminiscences of an Indian Member of the Indian Civil Service—X", *Calcutta Review*, vol. CXXXII of 3rd series (July-September, 1954), p. 90; "Reminiscences . . . XIII", *ibid.*, vol. CXXXIII of 3rd series (October-December, 1954), pp. 228 and 231. For another treatment of this episode, see Barun De, "Brajendranath De and John Beames—A Study in the Reactions of Patriotism and Patriotism in the I.C.S. at the Time of the Ilbert Bill", *Bengal Past and Present*, vol. LXXXI, no. 151 (January-June, 1962), pp. 1-31.

<sup>20</sup>Buckland, *Dictionary of Indian Biography*, p. 32

<sup>21</sup>II, 56 and 63. Beames's memoirs, since published, do not directly discuss the Ilbert Bill, but they help to explain his stand on the matter: *Memoirs of a Bengal Civilian* (London, 1961).

<sup>22</sup>*Times of India*, Mar. 7, 1883, p. 5.

<sup>23</sup>Mar. 8, 1883, quoted in the *Times of India*, Mar. 9, 1883, p. 3.

<sup>24</sup>*Ibid.*, p. 6. Fergusson had personally asked the Chamber leaders to maintain a moderate tone. Fergusson to Ripon, Apr. 2, 1883, R.P., I.S.P., BP 7/6 (vol. I, of 1883), p. 200.

<sup>25</sup>Lord (William) Beveridge, *India Called Them* (London, 1947), pp. 84-86.

<sup>26</sup>*Ibid.*, pp. 88 and 92.

<sup>27</sup>*Englishman*, Mar. 6, 1883, p. 2. Lord Beveridge discreetly omitted this first paragraph from his account (p. 228).

<sup>28</sup>Mar. 12, 1883, p. 128.

<sup>29</sup>Beveridge, p. 248.

<sup>30</sup>*Ibid.*, pp. 249-250 and 313.

<sup>31</sup>The letter was published Mar. 8, 1883, p. 4.

<sup>32</sup>*Pioneer*, Feb. 16, 1883, p. 4.

<sup>33</sup>*Correspondence Between a Hindu Raja, a Revd. Father, and a Member of Parliament on the Policy of Lord Ripon, passim*. For another excerpt, see *supra*, p. 133.

<sup>34</sup>Speech of A.B. Miller, barrister, in Calcutta's Town Hall, Aug. 6, 1883, as reported in the *Englishman*, Aug. 7, 1883, p. 3.

<sup>35</sup>*Ibid.*

<sup>36</sup>*Supra*, p. 82.

<sup>37</sup>These were later published in the *Parliamentary Papers*, and many of the arguments from them were cited in the previous section. Others will be cited below.

<sup>38</sup>*P.P.*, Commons, vol. LX of 1884, c-3877, pp. 41-45. For Fergusson's personal views, see his letter to Kimberley of Mar. 9, 1883, *Fergusson Papers*, pp. 326-29.

<sup>39</sup>For a list of the jury districts, see Great Britain, India Office, *Judicial and Public Papers* vol. 115, no. 114.

<sup>40</sup>India, *Act X of 1882*, ss. 275 and 451. (These provisions actually say "at least half" of the jury, but since the jury by law (s. 274) had to be either three, five, seven, or nine men, that meant a majority.) These established procedures help to explain later developments.

<sup>41</sup>Duff to Northbrook, May 21, 1883, *N.P.*, VI, 18.

<sup>42</sup>*P.P.*, Commons, Vol. LX of 1884, c-3877, pp. 24-25.

<sup>43</sup>Duff to Northbrook, Dec. 12, 1883, *N.P.*, VI, 41, and Dec. 17, 1883, *ibid.*, p. 45.

<sup>44</sup>Ripon to Kimberley, Aug. 29, 1884, *R.P.*, I S.P., BP 7/3, p. 142. Duff's lack of sympathy with Indian political opinion was further seen when he called such opinion in Madras "a commodity manufactured to order by small cliques." Duff to D. Mackenzie Wallace, June 3, 1885, *Dufferin Papers* (microfilm in I.O.L.), Reel 528, no. 373a.

<sup>45</sup>*P.P.*, Commons, vol. LX, of 1884, c-3877, pp. 384-86. See also Ilbert to Ripon, May 25, 1883, *R.P.*, I.S.P., BP 7/6 (vol. I of 1883), p. 336.

<sup>46</sup>*P.P.*, Commons, vol. LX of 1884, c-3877, p- 373.

<sup>47</sup>*Ibid.*, pp. 381-84.

<sup>48</sup>Ripon to Hughes, May 25, 1883, *R.P.* I.S.P., BP 7/5, p. 93.

<sup>49</sup>*P.P.*, Commons, vol. LX, of 1884, c-3877, pp. 301-302.

<sup>50</sup>*Ibid.*, pp. 274-78.

<sup>51</sup>*Ibid.*, pp. 268-273. For another excerpt from Thompson's opinion, see *supra*, p. 128.

<sup>52</sup>*Supra*, pp. 26 and 102.

<sup>53</sup>*P.P.*, Commons, vol. LX of 1884, c-3877, pp. 343-45.

<sup>54</sup>Kimberley to Ripon, Sept. 13, 1883, *R.P.*, I.S.P., BP 7/3, pp. 89-90.

<sup>55</sup>Henry Thoby Prinsep, *Three Generations in India, 1770-1904* (unpublished manuscript in India Office Library), III, 425 and 429a. Judge C.D. Field was on home leave but later wrote a long concurring opinion. Judge Romesh Chonder Mitter, the only Indian, filed a sharp dissent.

<sup>56</sup>*P.P.*, Commons, vol. LX of 1884, c-3877, pp. 138-146, *passim*.

<sup>57</sup>*Times*, Aug. 8, 1883, p. 2.

<sup>58</sup>Great Britain, India Office, *Judicial and Public Papers*, vol. 115, no. 133.

<sup>59</sup>Dec. 1, 1883, p. 1.

<sup>60</sup>Their opinion quoted the Judicial Commissoner of Oudh as describing the 'statutories' as "often being men saturated with caste and religious prejudice and ignorant of European modes of thought and feelings." (*P.P.*, Commons, vol LX of 1884, c-3877, p. 141.) But what W. Duthoit, the commissioner in question, actually said was that they *may often be men saturated*," etc., and he then recommended that they be given the powers after their "strength of character and judicial ability" had been ascertained. (*Ibid.*, vol. LX of 1883, c-3512, pp. 15-16.)

<sup>61</sup>*Ibid.*, vol. LX of 1884, c-3877, p. 86.

<sup>62</sup>*Ibid.*, p. 53.

<sup>63</sup>*Supra*, pp. 127 and 135; Part C, n. 167.

<sup>64</sup>*P.P.*, Commons, vol. LX of 1884, c-3877, pp. 28-34.

<sup>65</sup>*Ibid.*, pp. 279-283.

<sup>66</sup>*Ibid.*, pp. 147-151, 35-40, and 87-89, respectively.

<sup>67</sup>June 11, 1883, p. 7. The opinions had not been released for publication, but their gist appeared regularly in the *Times*, as in this article and that of June 4, 1883, p. 7. Obviously, some sympathizer in Government circles was "leaking" them to the Press.

<sup>68</sup>Calculated from the list in *R.P.*, Add. MSS 43583, pp 60-65. For purposes of this calculation, the British-administered states of Berar, Coorg, and Ajmer have been counted as "divisional and district level".

<sup>69</sup>*P.P.*, Commons, vol. LX of 1884, c-3877, p. 267.

<sup>70</sup>*Ibid.*, pp. 367-68. The nightmares of H.C. Thorpe Robinson and the upset of John Beames have already been cited (*supra*,pp. 123 and 164).

<sup>71</sup>Elliott to Ripon, June 20, 1883, *R.P.*, I.S.P., BP 7/6 (vol. II of 1883), p. viii.

<sup>72</sup>Ripon to Kimberley, Aug. 6, 1883, *ibid.*, BP 7/3, p. 226.

<sup>73</sup>*P.P.*, Commons, vol. LX of 1884, c-3877, p. 25. For Robert's earlier opinion, see India, Home Dept., *Judicial Proceedings*, September, 1882, 219-239(A). For his role in the controversy, see Part C, n. 8.

<sup>74</sup>Ripon to Kimberley, Oct. 6-8, 1883, *R.P.*, I.S.P., BP 7/3, p. 226.

<sup>75</sup>*New India, or India in Transition* (London, 1885), pp. 33-45, *passim*.

<sup>76</sup>*Supra*, pp. 37-39.

<sup>77</sup>Fergusson to Ripon, Apr. 2, 1883, *R.P.*, I.S.P., BP 7/6 (vol. I of 1883), p. 199.

<sup>78</sup>Ripon to Fergusson, Apr. 6, 1883, *ibid.*, p. 94. This view of the Bill is far more restricted than previous concepts of either proponents or opponents. Ripon must have forgotten that he had rejected almost the same compromise at the start (*supra*, p. 27).

<sup>79</sup>Ilbert to Bryce, Apr. 15, 1883, *Bryce Papers*.

<sup>80</sup>Kimberley to Ripon, Apr. 18, 1883, *R.P.*, I.S.P., BP 7/3, pp. 33-34.

<sup>81</sup>Ripon to Kimberley, May 4, 1883, *ibid.*, p. 129. As early as February 28, a published letter urged Anglo-Indians to reject just such a compromise, since it would only lead to a further compromise. *Englishman*, p. 2. The Defence Association determined on July 23 to fight any modified version. Defence Association, *Proceedings*.

<sup>82</sup>*Hansard*, vol CCLXXVII of 3rd series, cols. 1792-94.

<sup>83</sup>Ripon to Kimberley, Apr. 13, 1883, *R.P.*, I.S.P., BP 7/3, pp. 106-107.

<sup>84</sup>*R.N.P.*, Bombay, 1893, week ending Mar. 17, p. 22, and week ending Mar. 24, p. 16.

<sup>85</sup>Ilbert to Ripon, Apr. 12, 1883, *R.P.*, I.S.P., BP 7/6 (vol. I of 1883), pp. 224-25; Ripon to Kimberley, July 5, 1883, *ibid.*, BP 7/3, p. 198. Both the proposals and the objections were to be heard again.

<sup>86</sup>Confidential note of July 25, 1883, *R.P.*, Add. MSS 43583, pp. 65-76, *passim*. True, but Ilbert's opening statement lent itself to varying interpretations (*supra*, pp. 36-37).

<sup>87</sup>*Ibid.* Proponents of the Bill spent much energy arguing that it was a necessary embodiment of the Charter Act of 1833 (*supra*, p. 5.) and the Queen's Proclamation. Opponents spent greater energy replying that (1) the Proclamation was not binding since it only opened offices to all subjects "so far as they may be qualified;" (2) if the Government had considered it binding, it would have implemented it far sooner; and (3) the position of Justice of the Peace was not an "office" within the meaning of the law, but simply a power. These arguments were inconclusive and, on both sides, smack more of justification than genuine reason. Therefore, they are worth no more than a footnote.

<sup>88</sup>*Ibid.*

<sup>89</sup>*Ibid.*

<sup>90</sup>Ripon to Fergusson, Aug. 20, 1883, *R.P.*, I.S.P., BP 7/6 (vol. II of 1883), p. 46.

<sup>91</sup>See Appendix E for the text of this compromise proposal.

<sup>92</sup>Ripon to Hughes, July 20, 1883, *R.P.*, BP 7/5, p. 118.

<sup>93</sup>Ripon to Gladstone, Aug. 10, 1883, *ibid.*, p. 127.

<sup>94</sup>*Englishman*, Mar. 5, 1883, p. 3. A *khansamah* was a table steward or butler.

<sup>95</sup>*Ibid.*, Mar. 8, 1883, p. 1. For a further description of Carson and the lyrics of his "Bengalee Babu" song, see D.E. WACHA, *Shells from the Sands of Bombay, Being My Recollections and Reminiscences, 1860-1875* (Bombay, 1920), pp. 350-52.

<sup>96</sup>*Ibid.*, Mar. 29, 1883, p. 1. A *punkah* is a framed cloth fan worked by a pull string. A *bhisti* is a waterbearer. The jobs mentioned are considered lowly.

<sup>97</sup>Quoted in *Amrita Bazar Patrika*, Mar. 29, 1883, p. 2. This referred to findings by European magistrates in the Fuller and other cases that Indians struck by Europeans had died from rupture of enlarged spleens, and so no serious charges could be placed against their assailants. For a scathingly sarcastic item on this theme, see the *Patrika* of Mar. 15, 1883, p. 7.

<sup>98</sup>Letter of 'Bus,' Mar. 21, 1883, p. 2.

<sup>99</sup>*Blunt, India Under Ripon*, p. 101.

<sup>100</sup>*Supra*, p. 73. What appears to be this entire speech was reprinted in *The National Builders*, Part II (Madras, ca. 1910), pp. 101-118. Large parts of it appeared in the *Hindoo Patriot*, Apr. 9, 1883, pp. 173-74.

<sup>101</sup>*Ibid.*

<sup>102</sup>*Hindoo Patriot*, Apr. 2, 1883, p. 163; *Statesman*, Mar. 31, 1883, p. 2.

<sup>103</sup>See for instances the letter of 'Blue Pills,' Apr. 24, 1883, p. 2.

<sup>104</sup>Letter of 'Jonathan', *ibid.*

<sup>105</sup>Apr. 9, 1883, quoted in *R.N.P.*, Bengal, 1883, p. 167.

<sup>106</sup>Letter of 'John Bull,' *Amrita Bazar Patrika*, Apr. 5, 1883, p. 8.

<sup>107</sup>May 3, 1883, p. 2.

<sup>108</sup>Thompson to Ripon, May 1, 1883, *R.P.*, I.S.P., BP 7/6 (vol. I of 1883), pp. 271-72.

<sup>109</sup>*Bengalee*, Apr. 28, 1883, pp. 199-200. Banerjea gave his explanation of it in *A Nation in the Making*, pp. 74-75, but the date which he gave for the offending article is incorrect.

<sup>110</sup>*Englishman*, May 5, 1883, p. 3.

<sup>111</sup>*Ibid.*, May 7, 1883, supplement.

<sup>112</sup>Ripon to Halifax, May 21, 1883, *R.P.*, I.S.P., BP 7/5, p. 92.

<sup>113</sup>Harrison to Thompson May 8, 1883, *ibid.*, BP 7/6 (vol. I of 1883), p. 295; Banerjea, pp. 76-77.

<sup>114</sup>Furrell to Francis C. Barnes, Thompson's private secretary, May 12, 1883, (enclosed in Thompson to Ripon, May 16, 1883), *R.P.*, Add. MSS 43594.

<sup>115</sup>H. J. Wilkins, deputy commissioner of Calcutta police, to Barnes, May 16, 1883, *ibid.*

<sup>116</sup>Westmacott to Barnes, May 13, 1883, *ibid.*

<sup>117</sup>*Times*, May 14, 1883, p. 5.

<sup>118</sup>Ripon to Halifax, May 21, 1883, *R.P.*, I.S.P., BP 7/5, p. 92; Banerjea, p. 79.

<sup>119</sup>*Ibid.*, pp. 78-81.

<sup>120</sup>Thompson to Ripon, June 17, 1883, *R.P.*, I.S.P., BP 7/6 (vol. I of 1883), pp. 379, and Wilkins to Lambert, June 26, *ibid.*, p. 402, based on police reports of the case.

<sup>121</sup>Westmacott to Barnes, June 19, 1883, *ibid.*, pp. 394-95.

<sup>122</sup>*Ibid.*, June 12, 1883, *ibid.*, pp. 371-72.

<sup>123</sup>*Ibid.*

<sup>124</sup>*Ibid.*, June 19, 1883, *ibid.*, pp. 394-95.

<sup>125</sup>Wilkins to Lambert, June 26, 1883, *ibid.*, p. 402. But Wilkins blamed the Ilbert Bill dispute, which intensified ill-will between Europeans and Indians, and the *Englishman*, whose constant harping on assault cases "has done much, if not more than anything, to keep up this feeling".

<sup>126</sup>Banerjea, pp. 82-84.

<sup>127</sup>*Times*, July 24, 1883, p. 5. See also Banerjea, p. 85.

<sup>128</sup>Lambert to Primrose, July 18, 1883, *H.P.*, I.S.P., BP 7/6 (vol. II of 1883), pp. 27-28. On the other hand, the *Bengal Times* was sure that Indians would never forget that they were a subordinate race; "nature teaches them their subordination," and the dominion of a handful of Europeans should "remind them every hour they live of our superior prowess." Aug. 8, 1883, p. 500.

<sup>129</sup>Banerjea, p. 80; *Amrita Bazar Patrika*, Aug. 2, 1883, p. 8, and Aug. 9, 1883, p. 8.

<sup>130</sup>*Supra*, pp. 42 and 136-37.

<sup>131</sup>Cross to Ripon, Mar. 16, 1883, *R.P.*, I.S.P., BP 7/3, p. 27.

<sup>132</sup>Ripon to Hughes, May 25, 1883 *ibid.*, BP 7/5, p. 93.

<sup>133</sup>*Supra*, p. 65.

<sup>134</sup>Diary of Sir Edward W. Hamilton, May 23, 1883, British Museum, Add. MS 48633, IV, 109, and Oct. 21, 1883, Add. MS 48634, V, 97.

<sup>135</sup>*Ibid.* The Queen had previously expressed her doubts about Lord Ripon and had been reluctant to appoint him Viceroy. *Letters of Queen Victoria*, 2nd series (London, 1928), III, 87-89.

<sup>136</sup>*Supra*, pp. 53.

<sup>137</sup>*Hansard*, vol. CCLXXVI of 3rd series, cols. 710, 833, 848-49, and 394.

<sup>138</sup>*Ibid.*, cols. 1023, 1364, and 1436-37.

<sup>139</sup>*Ibid.*, cols. 1024-25.

<sup>140</sup>*Ibid.*, vol. CCLXXVII of 3rd series, cols. 214-15.

<sup>141</sup>*Ibid.*, col. 374.

<sup>142</sup>Mar. 15, 1813, p. 1.

<sup>143</sup>Hamilton Diary, May 24, 1883, Add. MS 48633, IV, 111.

<sup>144</sup>*Supra*, p. 100.

<sup>145</sup>Gladstone to Ripon, Apr. 17, 1883, *R.P.*, Add. MSS 43515, No. 23.

<sup>146</sup>*Ibid.*

<sup>147</sup>*Supra*, p. 16 and Part A, n. 65.

<sup>148</sup>*Supra*, p. 70. In fact, as far back as February 20, he had written that a challenge and defeat in the Commons would cool the ardor of the opposition. Ripon to Northbrook, *N.P.*, III, 30-31.

<sup>149</sup>For instance, in his Council speech of March 9, he had stated he was perfectly willing to have the Commons decide the matter.

<sup>150</sup>Kimberley to Ripon, Mar. 1, 1883, *R.P.*, I.S.P., BP 7/3, p. 22.

<sup>151</sup>*Times*, Mar. 30, 1883, p. 10. Politicians of both parties routinely deplored turning Indian affairs into partisan matters—and then pro-

ceeded to do so. See, for instance, Edward Stanhope to Roberts, May 31, 1883, *Roberts Papers*, 7101-23/23/82/1.

<sup>152</sup>*Times*, Mar. 17, 1883, p. 13.

<sup>153</sup>*Times*, Apr. 11, 1883, p. 12.

<sup>154</sup>*Hansard*, vol. CCLXXVII of 3rd series, col. 1737.

<sup>155</sup>For the excerpts, see *supra*, pp. 129 and 132.

<sup>156</sup>*Hansard* vol. CCLXXVII of 3rd series, cols. 1761-67.

<sup>157</sup>*Ibid.*, cols. 1782-83.

<sup>158</sup>*Ibid.*, cols. 1768-1801.

<sup>159</sup>*Ibid.*, cols. 1161-62.

<sup>160</sup>Arthur Hobhouse, a former Law Member of the Council, to Ripon, May 23, 1883, *R.P.*, I.S.P., BP 7/5, p. 72m.

<sup>161</sup>*Hansard*, vol. CCLXXIX, of 3rd series, cols. 412-13.

<sup>162</sup>*Ibid.*, vol. CCLXXX of 3rd series, cols. 385, 800, and 1552.53; vol. CCLXXXII, cols. 520-21.

<sup>163</sup>*Ibid.*, cols. 939-940.

<sup>164</sup>*Times*, July 27, 1883, p. 10.

<sup>165</sup>*Ibid.*, p. 9.

<sup>166</sup>Ripon to Northbrook, Aug. 3, 1883, *N.P.*, III, 168-69. Ilbert made the plea in a letter to his friend Bryce, July 27, 1883, *Bryce Papers*.

<sup>167</sup>*Hansard*, vol. CCLXXXII of 3rd series, col. 1853.

<sup>168</sup>*Ibid.*, vol. CCLXXXIII of 3rd series, col. 1526.

<sup>169</sup>*Ibid.*, cols. 1536-37.

<sup>170</sup>*Ibid.*, cols 1538-39.

<sup>171</sup>Letter of ‘F,’ *Englishman*, Mar. 12, 1883, p. 2.

<sup>172</sup>Papers of Sir (E.) Roper Lethbridge, I.O.L. MSS Eur B 182A, I, 90-91

<sup>173</sup>Defence Association, *Proceedings*, meetings of May 31, June 22, and July 23, 1883.

<sup>174</sup>*Times*, June 20, 1883 p. 14.

<sup>175</sup>*Times*, June 26, 1883, p. 10.

<sup>176</sup>June 25, 1883, p. 9

<sup>177</sup>*Ibid.*

<sup>178</sup>*Times*, June 18, 1883, p. 7.

<sup>179</sup>*Times*, July 30, 1883, p. 5.

<sup>180</sup>Ripon to Hughes, May 25, 1883, *R.P.*, I.S.P., BP 7/5, p. 93.

<sup>181</sup>*Times*, May 19, 1883, p. 9; July 10, 1883, p. 10; and July 25, 1883, p. 10.

<sup>182</sup>*Ibid.*

<sup>183</sup>*Ibid.* Max Muller, in his *Times* letter of August 8 (*supra*, p. 172), in addition to rebutting the Calcutta High Court minute, took a cynical swipe at the Anglo-Indian; one does not become an authority on all matters Indian, he said, simply because one has “ruined his liver and lost his temper by 25 years’ residence in Calcutta.”

<sup>184</sup>*Times*, Aug. 2, 1883, p. 6.

<sup>185</sup>*Ibid.*

<sup>186</sup>*Bangabasi*, Nov. 17, 1883, quoted in *Englishman*, Dec. 15, 1883, p. 6. See also Mehrotra, pp. 355-56. Martin said Ghose went to England at the invitation of Bright and on behalf of the Indian Association, to speak on the Ilbert Bill and Civil service questions. *New India*, 1885, p. 202.

<sup>187</sup>Saunders participated in the St. James Hall meeting. Branson addressed several meetings and wrote a letter sharply critical of Bright's speech. *Times*, Aug. 9, 1883, p. 7.

<sup>188</sup>*Times*, Aug. 27, 1883, p. 3.

<sup>189</sup>There had been an earlier meeting, on August 6, with another round of speeches. They were largely reiterations of earlier speeches and a spirited defense by J.G. Apcar of the planter as "a natural ally of the Government and a true friend of the Native." *Englishman*, Aug. 7, 1883, p. 3.

<sup>190</sup>*Ibid.*, Aug. 24, 1883, p. 3.

<sup>191</sup>This demand for full and prompt publication of those largely-adverse opinions was often repeated. But the procedure was for the Secretary of State to see such opinions before the general public. Before the Government could send them to the Secretary of State, it had to wait until they had all been received, studied, and acted upon. This meant the end of July. They presumably accompanied the Despatch of August 10, for they reached England at the beginning of September (*Times*, Sept. 8, 1883, p. 10). Of course, with all of the newspaper publicity, everyone knew generally what was in them.

<sup>192</sup>*Englishman*, Aug. 24, 1883, p. 3.

<sup>193</sup>*Ibid.*

<sup>194</sup>*Ibid.*

<sup>195</sup>*Ibid.*, p. 2.

<sup>196</sup>*Ibid.*, Aug. 22 and 24, 1883, p. 2.

<sup>197</sup>Defence Association, *Proceedings*, meetings of Aug. 10 and Oct. 26, 1883, and Jan. 25, 1884.

<sup>198</sup>*Times*, Oct. 6, 1883, p. 5.

<sup>199</sup>*Ibid.*

<sup>200</sup>*Ibid.*

<sup>201</sup>Oct. 9, 1883, p. 3.

<sup>202</sup>*Times*, Oct. 20, 1883, p. 9; Oct. 27, 1883, p. 7, and Nov. 13, 1883, p. 10.

<sup>203</sup>*Pioneer*, Dec. 1, 1883, p. 3.

<sup>204</sup>Henry M. Broadhurst, M.P., to Hughes, Oct. 22, 1883, R.P., Add. MSS 43549. Broadhurst predicted that the "overwhelming majority" of workmen would support Ripon and Ilbert.

<sup>205</sup>*Times*, Aug. 29, 1883, p. 8; Sept. 6, 1883, p. 8, and Oct. 3, 1883, p. 9.

<sup>206</sup>*Times*, Sept. 28, 1883, p. 7. Headed by Dr. G.B. Clark, it was an expansion of the earlier "British Indian Committee," MEHROTRA, p. 332.

<sup>207</sup>Oct. 2, 1883, pp. 9 and 10.

<sup>208</sup>Jan. 15, 1884, p. 1.

<sup>209</sup>*Supra*, pp. 19 and 52.

<sup>210</sup>Gopal, p. 192.

<sup>211</sup>June 23, 1883, pp. 295-96.

<sup>212</sup>*Times*, July 23, 1883, p. 5.

<sup>213</sup>Lambert to Primrose, July 18, 1883, *R.P.*, I.S.P., BP 7/6 (vol. II of 1883), p. 25. Lambert also suggested that the Tenancy Bill would meet less opposition if the Ilbert Bill were withdrawn. *Ibid.*, July 21, 1883, p. 33.

<sup>214</sup>Henry Bell, quoted in the *Englishman*, Aug. 7, 1883, p. 3.

<sup>215</sup>July 23, 1883, p. 355, and Aug. 27, 1883, pp. 413-14.

<sup>216</sup>*Englishman*, Nov. 19, 1883, p. 5.

<sup>217</sup>Nov. 26, 1883, pp. 556-57.

<sup>218</sup>*Education Gazette* (Hughli), Dec. 7, 1883, and *Pratikar* (Calcutta), Dec. 14, 1883, quoted in *R.N.P.*, Bengal, 1883, pp. 830 and 852.

<sup>219</sup>*Bombay Gazette Overseas Summary*, Dec 21, 1883, p. 17.

<sup>220</sup>Hume to Ripon, Nov. 22, 1883, *R.P.*, I.S.P., BP 7/6 (vol. II of 1883), p. 154a. As matters developed, Pal and his *Patriot* maintained their support of the Ilbert Bill, but the stigma remained.

<sup>221</sup>ANIL SEAL, *The Emergence of Indian Nationalism: Competition and Collaboration in the Later Nineteenth Century* (Cambridge, 1968), pp. 225-26. However, this loss of leadership had begun earlier. See Bayley to Primrose, June 5, 1883, *R.P.*, I.S.P., BP 7/5 (vol. I of 1883), p. 351. Continuing differences within the Government prevented enactment of a Tenancy Bill during Ripon's viceroyalty. A modified version was passed under his successor, Lord Dufferin.

<sup>222</sup>*Supra*, p. 41.

<sup>223</sup>*Supra*, pp. 53.

<sup>224</sup>Apr. 28, 1883, p. 3.

<sup>225</sup>*Ibid.*

<sup>226</sup>Note by Ripon, Apr. 28, 1883, *R.P.*, I.S.P., BP 7/6 (vol. I of 1883), p. 128.

<sup>227</sup>For the telegram, see *P.P.*, Commons, vol. LI of 1883, pp. 747-750. For the full debate, see India, *Council Proceedings*, XXII, 132-35. For a good summary, see *supra*, pp. 78-83. Frederick J. Griffiths, secretary of Reuter's, insisted that his company had given a faithful report of the debate and a fair account of the opposing speeches (*Times*, May 30, 1883, p. 7). Perhaps he had not seen the full transcript.

<sup>228</sup>*Englishman*, Apr. 16, 1883, p. 3.

<sup>229</sup>*Hansard*, vol. CCLXXIX of 3rd series, cols. 935-36.

<sup>230</sup>May 21 1883, p. 9.

<sup>231</sup>*Supra*, pp. 25-26.

<sup>232</sup>*Council Proceedings*, XXII, 157; *Hansard*, vol. CCLXXVII of 3rd series, col. 1749. Cranbrook offered a similar interpretation (*ibid.*, col. 1768).

<sup>233</sup>The letter was dated Apr. 6, 1883. A copy may be found in Ripon to Kimberley, Sept. 21, 1883, R.P., I.S.P., BP 7/3, pp 269-270. Judging from the similarity of dates and phrasing, Eden must have given Lytton and Cranbrook the same version.

<sup>234</sup>*Englishman*, Aug. 7, 1883, p. 3. The *Pioneer* said roughly the same thing on August 10.

<sup>235</sup>Ripon to Kimberley, Aug. 17, 1883, R.P., I.S.P., BP 7/3, p. 235; Kimberley to Ripon, Sept. 13, 1883, *ibid.*, p. 89.

<sup>236</sup>Ripon to Kimberley, Sept. 6, 1883, *ibid.*, p. 254

<sup>237</sup>Ripon to Kimberley, Sept. 21, 1883, *ibid.*, p. 270. The agitators, of course, accepted Eden's version. "Britannicus" said the Government had misused Eden's memo as the latest in a succession of subterfuges. *Englishman*, Apr. 24, 1883, p. 2.

<sup>238</sup>*Supra*, Part D, n. 67.

<sup>239</sup>*Supra*, pp. 173-74.

<sup>240</sup>*Hansard*, vol. CCLXXXIII of 3rd series, col. 1340.

<sup>241</sup>*Englishman*, Aug. 24, 1883, p. 3.

<sup>242</sup>*Times*, Aug. 27, 1883, p. 3.

<sup>243</sup>*Times*, Sept. 10, 1883, p. 7.

<sup>244</sup>*Times*, Sept. 8, 1883, p. 5.

<sup>245</sup>*Times*, Sept. 10, 1883, p. 3; *supra*, pp. 173-74.

<sup>246</sup>Sept. 10, 1883, p. 7.

<sup>247</sup>*Times*, Sept. 11, 1883, p. 5. A. Rattray, the correspondent in Simla, wrote the same thing to Ripon. Ripon to Kimberley, Sept. 14, 1883, R.P., I.S.P., BP 7/3, p. 264. See also the *Englishman*, Oct. 15, 1883, p. 2.

<sup>248</sup>Ripon to Hughes, Oct. 8, 1883, *Ilbert Papers*, I.O.L., MSS Eur. D. 594 (unbound).

<sup>249</sup>Biddulph to Northbrook, Oct. 10, 1883, N.P., VI, 242. Northbrook sent Biddulph's letter to Gladstone with the comment: "Our fellow countrymen in India have gone quite wild, but it is as well we should know all the symptoms of the malady." Oct. 14, 1883, *Gladstone Papers*, B.M. Add. MS 44,267, vol. CLXXXII, p. 34.

<sup>250</sup>*Times*, Nov. 14, 1883, p. 6. Ripon, it will be recalled, had converted to Catholicism.

<sup>251</sup>*Times*, Nov. 23, 1883, p. 7.

<sup>252</sup>*Englishman*, Nov. 26, 1883, p. 4.

<sup>253</sup>Ilbert to Ripon, Nov. 26, 1883, R.P., I.S.P., BP 7/6 (vol. II of 1883), pp. 160-61.

<sup>254</sup>*Times*, Nov. 24, 1883, p. 8.

<sup>255</sup>*Times*, Nov. 26, 1883, p. 8, and Nov. 28, 1883, p. 6.

<sup>256</sup>Dec. 3, 1883, p. 1.

<sup>257</sup>*Times*, Dec. 3, 1883, p. 7.

<sup>258</sup>*Supra*, p. 27.

<sup>259</sup>*Hansard*, vol. CCLXXVI of 3rd series, col. 833.

<sup>260</sup>*Ibid.*, vol. CCLXXVII of 3rd series, col. 1772. There had been a solitary newspaper report, attributed only to "private source," that

the Bill had been opposed in Council, and that Ripon had been warned privately to go slow. *Pioneer*, Mar. 2, 1883, p. 1.

<sup>261</sup>*Englishman*, Dec. 5, 1883, p. 4. When Ripon saw the news report, he telegraphed Kimberley for verification, which he received (Dec. 4 and Dec. 6, 1883, *R.P.*, I.S.P., BP 7/4, pp. 437-38). Unfortunately, there is no record of Ripon's reaction.

<sup>262</sup>*Englishman*, Dec. 13, 1883, p. 3.

<sup>263</sup>Sir Robert Montgomery to G.R. Elsmie, Nov. 7, 1882, in *ELSMIE, Thirty-Five Years in the Punjab, 1858-1893* (Edinburgh, 1908), p. 295.

<sup>264</sup>This story first appeared in the *Pioneer*, Jan. 4, 1884, p. 2. It was repeated by CROMER, *Political and Literary Essays*, p. 97, and was accepted by Ripon's biographer, Wolf (II, 137-38).

<sup>265</sup>*Supra*, p. 26. See also GOPAL, pp. 131-32. Wolf, on the contrary, feels that if Ripon had received the warning he would not have proceeded, since he was anxious to avoid polemics and was always ready for a reasonable compromise.

<sup>266</sup>*Supra*, pp. 173.

<sup>267</sup>Northbrook to Ripon, Oct. 24, 1883, *N.P.*, vol. III, p. cxvii.

<sup>268</sup>Ripon to Lyall, Aug. 14, 1883, *R.P.*, I.S.P., BP 7/6 (vol. II of 1883), p. 34.

<sup>269</sup>Aug. 9, 1883, p. 2.

<sup>270</sup>Sept. 10, 1883, p. 7.

<sup>271</sup>*Supra*, pp. 190, 191, and 194.

<sup>272</sup>Roberts to Duke of Cambridge, Aug. 25, 1883, *Roberts Papers*, 7101-23/97/1, p. 106.

<sup>273</sup>Letter of F.A. Perroux, *Englishman*, Aug. 22, 1883, p. 2.

<sup>274</sup>*Times of India*, Aug. 28, 1883, p. 5. Wilfred Scawen Blunt said a planter had told him that his neighbors had sworn "to deal in their own way with the first native magistrate who presumed to try a European." *India Under Ripon*, p. 16.

<sup>275</sup>*Englishman*, Sept. 1, 1883.

<sup>276</sup>Lambert to Primrose, Sept. 22, 1883, *R.P.*, I.S.P., BP 7/6 (vol. II of 1883), pp. 116a-b.

<sup>277</sup>Ripon to Kimberley, Aug. 30, 1883, *N.P.*, III, 189/1-3.

<sup>278</sup>Ripon to Thompson, Sept. 27, 1883, *R.P.*, I.S.P., BP 7/6 (vol. II of 1883), p. 68.

<sup>279</sup>Thompson to Ripon, Oct. 10, 1883, *ibid.*, p. 136.

<sup>280</sup>Ripon to Cross, Sept. 22, 1883, *ibid.*, BP 7/3, p. 280; Ripon to Kimberley, Sept. 24, 1883, *ibid.*

<sup>281</sup>Sept. 23 and Sept. 26, 1883, *Gladstone Papers*, Add. MS 44,228, CXLIII, 106 and 113.

<sup>282</sup>*Ibid.*, Oct. 13, 1883, *ibid.*, p. 124. The letter containing Lambert's warning had not yet reached him.

<sup>283</sup>Oct. 12, 1883, *ibid.*, p. 120,

<sup>284</sup>Gladstone to Ripon, Oct. 11, 1883, *R.P.*, I.S.P., BP 7/5, p. 138.

<sup>285</sup>Oct. 19, 1883, *Gladstone Papers*, Add. MS 44,228, CXLIII, 128.

<sup>286</sup>Kimberley to Ripon, Oct. 26, 1883, *R.P.*, I.S.P., BP 7/3, p. 101.

<sup>287</sup>Defence Association, *Proceedings*, meeting of Sept. 28, 1883.

- <sup>288</sup>*Englishman*, Oct. 5, 1883, p. 2.
- <sup>289</sup>*Ibid.*, Oct. 11, 1883, p. 4.
- <sup>290</sup>*Times*, Oct. 1, 1883, p. 5.
- <sup>291</sup>*Englishman*, Oct. 11, 1883, p. 3. Lambert told Ripon he had no doubt that planters would resist application of the law if passed. Lambert to Primrose, *R.P.*, Add. MSS 43634, Oct. 8, 1883.
- <sup>292</sup>Biddulph to Northbrook, Oct. 10, 1883, *N.P.*, VI, 237-38.
- <sup>293</sup>*Ibid.*
- <sup>294</sup>Oct. 17, 1883, p. 2.
- <sup>295</sup>Great Britain, Council of India, Minutes, vol. 51, pp. 350-51.
- <sup>296</sup>Kimberley to Ripon, Nov. 9, 1883, *R.P.*, I.S.P., BP 7/3, pp. 106b-107.
- <sup>297</sup>*Times*, Nov. 14, 1883, pp. 6, 9.
- <sup>298</sup>*Ibid.*, p. 9.
- <sup>299</sup>Nov. 2, 1883, p. 4, and Nov. 9, 1883, p. 3.
- <sup>300</sup>*Ibid.* This passage is included for the insight it gives into the views of an experienced official and respected thinker of the day.
- <sup>301</sup>Hughes to Ripon, Oct. 25, 1883, *R.P.*, Add. MSS 43549.
- <sup>302</sup>Ilbert to Ripon, Nov. 26, 1883, *R.P.*, I.S.P., BP 7/6 (vol. II of 1883), pp. 160-161. This remark came in the aftermath of the Atkins-Kimberley interview.
- <sup>303</sup>*Times*, Nov. 24, 1883, p. 6.
- <sup>304</sup>*Times*, Nov. 27, 1883, p. 9.
- <sup>305</sup>*Englishman*, Dec. 7, 1883, p. 4; Northbrook to Ripon, Dec. 13, 1883, *N.P.*, vol. III, pp. cxlvi—cxlvii.
- <sup>306</sup>Buckland, *Dictionary of Indian Biography*, p. 90. Thus, he and Baring were practically exchanging places.
- <sup>307</sup>*Ibid.*, pp. 11-12.
- <sup>308</sup>*Ibid.*, p. 110.
- <sup>309</sup>Letter of "Englishman," *Englishman*, Oct. 1, 1883, p. 2. The reference to Ripon's breaking "every pledge" apparently refers to the misunderstood March 9 statement. *Supra*, p. 169.
- <sup>310</sup>Letter of 'I, Too Will Not Go,' *Englishman*, Oct. 5, 1883, p. 2.
- <sup>311</sup>Letter of "Liber Homo," *ibid.*, Oct. 11, 1883, p. 2.
- <sup>312</sup>Letter of 'Harry Bluff,' *ibid.*, Oct. 12, 1883, p. 2.
- <sup>313</sup>Ripon to Kimberley, Oct. 20, 1883, *R.P.*, I.S.P., BP 7/3 p. 296.
- <sup>314</sup>*Times*, Oct. 15, 1883, and Nov. 26, 1883, p. 5.
- <sup>315</sup>*Ibid.*
- <sup>316</sup>Defence Association, *Proceedings*, meeting of Nov. 15, 1883.
- <sup>317</sup>*Times*, Nov. 12, 1883, p. 5.
- <sup>318</sup>*Englishman*, Dec. 1, 1883, pp. 4, 5 and 6; Dec. 3, 1883, p. 4; 1883, Dec. 6, 1883, pp. 4 and 6; *Pioneer*, Dec. 7, 1883, p. 4.
- <sup>319</sup>*Englishman*, Dec. 6, 1883, p. 4.
- <sup>320</sup>*Ibid.*, Dec. 7, 1883, p. 3.
- <sup>321</sup>Ripon to Kimberley, Dec. 2, 1883, *R.P.*, I.S.P., BP 7/3, p. 304.
- <sup>322</sup>Nov. 29, 1883, p. 2.
- <sup>323</sup>Durand, p. 284.

<sup>324</sup>Gibbs to Ripon, Nov. 18, 1883, *R.P.*, I.S.P., BP 7/6 (vol. II of 1883), p. 150b.

<sup>325</sup>Ilbert to Ripon, Nov. 23, 1883, *ibid.*, p. 154d.

<sup>326</sup>Colvin to Ripon, Nov. 24, 1883, *ibid.*, p. 157.

<sup>327</sup>Bayley to Ripon, Nov. 20, 1883, *ibid.*, pp. 150-52.

<sup>328</sup>Hume to Ripon, Nov. 22, 1883, *ibid.*, p. 154.

<sup>329</sup>Bayley to Ripon, Nov. 20, 1883, *ibid.*, p. 151.

<sup>330</sup>Nov. 26, 1883, p. 2.

<sup>331</sup>Durand, p. 284.

## 5

## Confrontation, Resolution, and Recrimination

### 1. The Calcutta Reception

CALCUTTA braced for the clash between the ‘cool and plucky’ Ripon and the enraged opposition. Judge Prinsep later recalled:

No one who was not present in Calcutta in the closing weeks of 1883 can realise to what extent (the conflict) showed itself, or to what lengths the most violent of the opponents of the Bill were prepared to go... (The opposition) became gradually fomented almost into rebellion against the lawful authority of the Government.<sup>1</sup>

One man ‘ostentatiously’ refused to attend a dinner chaired by Ilbert.<sup>2</sup> The annual dinner of the St. Andrew’s Society (the ‘Scotch Dinner’), where Ripon had been heartily cheered the year before, was held on November 30 in Town Hall. Keswick, as chairman, had to announce the traditional toast to the Viceroy. The few officials present and special guests, and one or two of the hosts, alone rose to honor the toast, the *Pioneer* reported; the majority received it in silence, “broken by a hiss from several quarters” at those rising.<sup>3</sup> Keswick used the next toast to recite the objections to the Ilbert and Tenancy bills, hoping that the Government would “withdraw the inconsiderate and unnecessary measures lately introduced”; this the assemblage cheered.<sup>4</sup>

One Calcutta theater presented "A Glance in Advance, or India in 1884," a skit portraying the possible effects of passage of the Ilbert Bill.<sup>5</sup> Performances turned into impromptu rallies. Herman Kisch, a young Civilian, wrote to his mother after attending one:

The house was crowded and the greatest excitement prevailed during the whole of the evening. Everyone seemed to be personally interested in all that was being said and done, and every word that told against the supporters of the Ilbert Bill was cheered again and again. At the end of the piece three cheers were given for Mr. Rivers Thompson, three for Gen. Wilson, and three for several others among the most prominent of the opponents of the Bill. Afterwards, three groans were given for the Viceroy...<sup>6</sup>

Protest meetings continued. One in Madras rejected any compromise which did not recognize the right to trial by one's "peers," one in Jorehaut rejected any compromise whatsoever, and one in Lucknow promised to dispute the validity and render inoperative any such act.<sup>7</sup> The *Englishman* dropped its demand for a House of Commons vote, recognizing that the Liberal leadership supporting the Bill could keep its majority in line. But it promised that Anglo-Indians "will fight it out in every law court in India, they will agitate ceaselessly for its repeal, they will rouse every constituency in Great Britain, until a fair and impartial judgement has been delivered, and this snatch-victory of party tactics has been reversed."<sup>8</sup>

As Ripon approached, Bengali newspapers outdid themselves with adulation. "Every heart beats with joy," reported one, while two others announced that "Rama has again become king of India."<sup>9</sup> The triumphal arch at Bally, where Ripon's train stopped, read, "God bless Lord Ripon, our friend and savior."<sup>10</sup> When he disembarked at Howrah, the railway station was packed with cheering Indians.<sup>11</sup> Out of approximately 900 European volunteers, however, only 343 reported to form the honor guard, and most of these were Government employees and student cadets.<sup>12</sup> As the procession crossed Howrah Bridge into Calcutta, thousands of Indians lined the

streets to cheer and throw garlands at the viceregal carriage.<sup>13</sup> Some part of the turnout was due to the Indian Association, which had distributed handbills urging it.<sup>14</sup>

When Ripon's carriage reached Government House, a knot of Europeans awaited him. Then, for the first time in the history of British India, the personal representative of the Crown was publicly hissed, booed, and jeered by his own countrymen.<sup>15</sup> One of these Victorian gentlemen shook his fist and called him a "damned old bugger."<sup>16</sup> Lord William Beresford, Ripon's military secretary, reportedly had to be restrained from leaping out of the carriage and attacking the demonstrators.<sup>17</sup> Officials and Indian leaders greeted Ripon on the steps of Government House; non-official Europeans were conspicuous by their absence.<sup>18</sup>

Defence Association leaders had tried to prevent the jeering, and Macgregor saw in their failure "the danger of the lower order of Europeans getting out of hand."<sup>19</sup> Ripon and his advisers saw it, too. The Viceroy was less concerned about personal insults than about the possibility of a race riot. He wrote the next day:

Bayley and Lambert speak in the most gloomy manner, and are undoubtedly seriously alarmed. It is said that a considerable number of Bengal and Assam planters... are to be brought down here towards the end of the month to attend a monster meeting, and the fear appears to be that being a rowdy set of fellows they may get, intentionally or unintentionally, into a row with the Natives, which might be very difficult to deal with. Lambert, who ought to know, as he was head of the Calcutta police for some years, says that European police are very weak in numbers, and seems to think them quite incapable of dealing with a riot in which Europeans might be engaged, while he regards the intervention of Native Police in such a case as worse than useless...<sup>20</sup>

Some Indian newspapers were shocked and outraged at the insulting of the Viceroy:<sup>21</sup> The *Statesman* called the demonstrators mostly "excited youngsters, engaged in planting or mercantile pursuits, who have neither age, nor experience, nor

culture enough, to make them know that what they are demanding is impossible.”<sup>22</sup> The *Bombay Gazette* snarled:

The hostile demonstration so long insolently threatened has taken place as per programme. The wire-pullers who have organised with impudent bravado a public insult to the head of the Government and the blatant mob which obeyed their instructions, have set the seal upon the public incapacity which has brought discredit and final defeat upon the cause which they undertook to champion. . .<sup>23</sup>

The lesson of “concerted demonstrations and prepared insults” is not one which should be taught to Indians, it said.

On the other side, Anglo-Indian newspapers which opposed the Bill regretted the booing but said Ripon has brought it on himself. He was “sowing the wind of race antagonism to reap the whirlwind of race hatred,” said the *Englishman*.<sup>24</sup> Most outspoken was the *Bengal Times*, the Dacca European biweekly:

Wherever he may go in Calcutta, Lord Ripon will meet either with passive or demonstrative insult. He has lost his prestige here, so far as every white man is concerned, and his own sense of propriety—supposing him to be troubled by such an incumbrance—should teach him that one course alone remains open to him—to quit a country in which his name will be handed down to infamy as renegade and traitor.<sup>25</sup>

The Duke and Duchess of Connaught arrived the day after Ripon did. For their Royal Highnesses, the Volunteers turned out in full regimental strength.<sup>26</sup> The International Exhibition was opened without incident, perhaps because of police security so tight that three under-secretaries were mistakenly barred from it, cocked hats and gold braid notwithstanding.<sup>27</sup> The Duke was guest of honor at the Viceroy’s levee on the 5th, but it was boycotted by Keswick and some (though not all) other European leaders. Officials attended, as did leading *zamindars*. *Statesman* editor, Robert Knight, who usually avoided official functions, not only attended but presented his son.<sup>28</sup> Ripon reported that the Europeans were trying to

intimidate him

by what they flatter themselves are ‘insults’ and what seem to me silly and vulgar impertinences. Most of the leading European Non-officials stayed away from the Levee, though the total number of persons who attended was little short of last year. . . When I go out fewer Europeans take off their hats to me than they used to do, and some assume a theatrical air of insolence, which is highly amusing.<sup>29</sup>

In this tense atmosphere the Legislative Council held its first meeting, on December 7 before 200 persons, including the Duke and Duchess.<sup>30</sup> After completion of the agenda, Ripon announced that he wished to make a statement. He then explained the ‘Turner Compromise’ (about which every literate person must have known already). He elaborately undertook to show that he had not delayed the Bill and had been neither unreasonable nor secretive. The Defence Association had asked that the local opinions be published in full; this had been done. It had asked that no action be taken until Parliament could act; Ripon had requested this, but the Home Government had refused. The modifications had not been announced sooner because the reply of the Home Government had just been received, officially. To have done it on a mere telegram “would have been inconsistent with ordinary practice and with official propriety.” To have made an announcement outside of the Legislative Council on a matter pending before that Council would have been improper.<sup>31</sup> The Bill would be disposed of during the current session, he said. It would first be referred to a Select Committee, “who will consider the Bill and any amendments which may be proposed in it.”<sup>32</sup>

Ripon’s statement neither assured his friends, who had urged him to stand firm, nor placated his enemies, who had demanded withdrawal. The *Times* and the *Englishman* jibed at Ripon for what they called a subservient apology and for reducing the Government of India to “a machine for registering the Secretary of State’s orders.”<sup>33</sup> The *Englishman*, which by then habitually disbelieved Ripon, would not believe that he had asked the Home Government to let the Commons act first, but the *Pioneer*, which must have had a pipeline into the

inner councils, said it could state "with authority" that he had indeed done so.<sup>34</sup> On the other side, *Rast Gostar* said the Bill's principle had been lost, since the jurisdiction theoretically granted would be lost through High Court transfers of European cases; outright rejection of the Bill would have been preferable.<sup>35</sup> The *Hindoo Patriot* and the *Hindu* felt that the principle of equality had been upheld, even though the compromised Bill—the *Hindu* called it "a modified and mangled skeleton"—would have little effect.<sup>36</sup> The *Statesman* thought the compromise a mockery of European demands: "Imagine an English planter, charged with common assault, having the 'privilege' of making a doubtfully successful appeal to the High Court, 1,000 miles away, and at a cost of Rs. 1,000, to allow him to go before a European magistrate instead. The demand should either be honestly conceded or frankly refused."<sup>37</sup> Others saw in Ripon's conciliatory words signs of fear and weakness.<sup>38</sup> In sum, the 'Turner Compromise' and its presentation pleased few.

The Government and the Defence Association were on collision course, and the tension showed. "The situation is most critical," Macgregor wrote.

Lord Ripon has been more than once hooted in the streets. Nor is the feeling confined to Europeans. On the afternoon of the Viceroy's arrival when members of Calcutta society were driving back to town from the Dum dum races, groups of natives along the roadside assailed the carriages of European ladies and gentlemen with shouts of 'Long Live the Viceroy! Victory to Ripon!' interspersed with opprobrious epithets and low terms of abuse, such as 'English pigs'...the situation is now so strained that any trifling incident—a street fracas, for instance, between a European and a native, may produce a riot which would have the most lamentable and far-reaching consequences.<sup>39</sup>

Northbrook, from the safety of 6,000 miles' distance, wrote that there was no longer any reasonable objection to the Bill and urged Ripon to pass it as soon as possible.<sup>40</sup> But Bayley, on the spot, begged him to consider a further compromise. The alternative, he believed, was the 'almost inevitable' develop-

ment of 'overt disturbance.' The British Indian Government, organized to keep peace among Indians, was practically helpless against its own people, he said.

...we cannot without risk of bringing on a war of races and white mutiny venture to use Native troops against our own countrymen, and even if we were sure of European troops carrying out orders, where, except in Calcutta and Dinapore, have we a British soldier in Bengal and Assam? I am myself very doubtful if in a question which could not but come to be considered one between Native and European, the British soldier could be trusted to act against his own countrymen, but any way I can scarcely conceive a greater disaster not only to Your Excellency's Government, but even to the Government at Home, than would be involved in our having to try the experiment.<sup>41</sup>

Bayley did not think that the Defence Association was deliberately planning such an outbreak, but in bringing a mob of planters and "more rowdy classes" to Calcutta for its rally, it was creating a dangerous situation which it would be unable to control.<sup>42</sup>

Ripon again urged Hume to try to prevent Indian counter-meetings, which would aggravate the situation,<sup>43</sup> but it could no longer be done. Within several days of the Council meeting, meetings in support of the Bill were called in many towns of the Lower Provinces. More than 500 persons attended one in Sylhet.<sup>44</sup> Another was held by the 'People's Association of Dacca'.<sup>45</sup> Others were reported in Siliguri, Mymensingh, Azimgunge, Krishnagar, Behrampore, Chittagong, Dhubri, Halisahar, Chinsurah, Dakshineswar, and Konnagar.<sup>46</sup> The Bombay branch of the East India Association, meeting on December 7, denounced the idea of keeping Indians in a permanent position of "inferiority and disability" to Europeans who claimed a "caste superiority."<sup>47</sup> The *Indian Mirror* urged the educated classes to "form associations and hold meetings at every town and village throughout the length and breadth of the land to agitate in a constitutional manner for the enforcement of Lord Ripon's wise and just policy and the enactment of the Ilbert Bill into law at once."<sup>48</sup>

Indian newspapers were speaking in bolder and angrier terms. The *Hindu* warned that the Government "will be guilty of the most high-handed and unrighteous abuse if it ever gives way to the hostile clamour of these birds of passage."<sup>49</sup> *Pratikar* said if the Bill did not pass soon, "some serious calamity is likely to occur."<sup>50</sup> Others attacked the Europeans in print. *Som Prakash* said, 'they have no regard for justice, and they bear ill-will against the natives of the country. They are sucking dry the substance of the country.'<sup>51</sup> Another paper said the Anglo-Indians "rove over India like so many mad bulls," and a third said placing Indian magistrates in planting districts had become an absolute necessity.<sup>52</sup> For many Indians, as for many Europeans, the Ilbert Bill was seen, not in terms of Ripon's principles of abstract justice and racial equality, but as part of a continuous struggle for effective power in *mufassil* areas. The *Statesman*, trying to stake out a middle position, saw this. It said:

The truth is, there is an extreme party on both sides, and the aim of each is the same. The extreme English party, in spite of their professions, want to inflict the humiliation upon the native of decreeing that he shall never have the power to try an Englishman...On the other hand, the extreme native section want to subject the Englishman to what he deems the humiliation of answering before the native magistrate, nolens volens. We cannot speak too strongly in condemnation of both parties.<sup>53</sup>

The drumbeating continued. Planters of Cachar and the Western Dooars held protest meetings on December 15.<sup>54</sup> Macfarlane warned that passage of the Bill would not end the agitation; "it will revive in all its virulence when the first European is tried by a native judge or magistrate in the interior."<sup>55</sup> One militant in Rangoon wanted to fight Radicalism by having British Burma declare itself independent. He proposed recruiting a small British army in Australia; the British Tommy would refuse to fire on his countrymen, and a few heavy guns at the mouth of the Irrawaddy would prevent outside interference.<sup>56</sup> This letter was widely reprinted, in both European and Indian newspapers. In Madras, one panicky

European asked:

Are our wives to be torn from our homes on false pretenses to be tried by men who do not respect women, and do not understand us, and in many cases hate us?... Fancy, I ask you Britishers, her being taken before a half-clad native, to be tried and perhaps convicted, before you heard a word about it. No, I say it is time we show we have teeth... Let us ask for our rights, and if we can't get them, arm.<sup>57</sup>

In jittery Calcutta, rumors circulated during December that bands of armed European *mufassilites* were coming to seize the city.<sup>58</sup> A worried Ripon calculated the strength of the European police in Calcutta as 60-some, which "leaves the Government very much at the mercy of a small mob of Europeans, and may at any moment bring us very close to the dire resource of calling out the troops."<sup>59</sup> In Howrah, European railway engineers, guards, and mechanics were said to be "on the verge of a 'white mutiny'.<sup>60</sup> The crisis would come during Christmas Week, when Calcutta normally thronged with planters and other *mufassilites*. The Defence Association was planning its mass meeting for the 28th. By an odd coincidence, Thompson invited a troop of Volunteers, the Behar Light Horse, to Calcutta for inspection and military exercises on the 27th.<sup>61</sup> This troop, commanded by none other than W.B. Hudson, consisted of several hundred Europeans, mostly indigo planters, "high-blooded youngsters ready for anything."<sup>62</sup> Having these men grouped together, arms in hand, was "unfortunate", wrote Judge Prinsep. "They were prominent amongst the leaders of the opposition to the Government and many of them were inclined to lose their heads in the violent expression of their feelings. The wildest schemes were proposed for enforcing the position that the European community had taken up. . . ."<sup>63</sup>

One of those "wildest schemes" was probably the plan to kidnap Ripon. According to Buckland: "A conspiracy had been formed by a number of men in Calcutta, who had bound themselves, in the event of the Government adhering to the proposed legislation, to overpower the sentries at Government House, put

the Viceroy on board a steamer at Chandpal Ghat, and send him to England via the Cape."<sup>64</sup> Buckland's account is supported by those of two others present in Calcutta, Henry Cotton and Amir Ali,<sup>65</sup> though no one identified the plotters. The businessmen and barristers of the Defence Association were hardly the sort for a kidnapping, so it was probably some brash young planters or others of that stripe. In their desperation, their end seemed to justify any means.

## 2. Peace Feelers

During these same frenzied weeks, however, there were signs, hardly perceptible at first, of a gradual softening of the opposition leaders' position. Perhaps the first straw came in November, when Saunders, the proprietor of the *Englishman*, returned from England and fired Furrell, the editor.<sup>66</sup> The paper remained bitterly opposed to the Bill, but there was no more talk of military expeditions to England. The *Englishman* had given practically no space to any views opposed to its own, but on November 23 it published a significant letter from H. J. Reynolds. Reynolds regretted the paper's emphatic rejection of the 'Turner Compromise' and its attacks on the motives of the Bill's supporters. He explained the importance of the Bill's principle and implored the editor to "use your influence to allay the irrational excitement."<sup>67</sup> Four days later, Colvin wrote that Griffith Evans and some others who had been to England saw the futility of continuing opposition, though the 'irreconcilables' remained unmoved. He added that he had reminded Sir George Allen, owner of the *Pioneer*, that the Government was his best client.<sup>68</sup> Keswick told Bayley that a personal interview with Ripon might help to abate the rancor, and Ripon was willing.<sup>69</sup> Reports from Burma and Assam suggested that the agitation was beginning to lose steam.<sup>70</sup> "I have met with a few planters since I came back," Elliott wrote, "and I think the general feeling is one of exhaustion; they are sick, and a tiny bit ashamed of the whole business. I take the meetings now getting up or got-up to be mainly factitious; the Defence Association orders them, and the planters have bound themselves to comply. . . ."<sup>71</sup>

The first public break in the opposition came in the *Pioneer*, in an editorial of December 4. That article deplored the per-

sonal attacks on Ripon, who could not possibly be accused of improprieties or discourtesies to the opposition, it said, and such unfounded charges and shows of disrespect prevented any reconciliation. It warned that the weight and intelligence of the European community was being "drawn in the train of a more demonstrative but less responsible" majority. It continued: "If the Opposition requires the absolute withdrawal of any form of the Ilbert Bill whatsoever, then it is clamouring idly for what every sensible man now knows there is not a last faint hope of obtaining. Are matters to come to a deadlock? Are we to give no thought to the country we live in and its perils?"<sup>72</sup> The Queen's Government had to be carried on somehow, said the *Pioneer*. The principle of the Bill had already been accepted by that Government; Englishmen should work to prevent its extension. And let it be understood "that the time for shouting Rule Britannia has gone by. . . ."<sup>73</sup>

Meanwhile, Ripon's advisers were pressing fresh concessions on him. Fergusson warned that Salisbury and Northcote would make the Bill a party issue and urged "further and reasonable modifications in Committee."<sup>74</sup> Alexander Mackenzie (the Calcutta one) wrote to Gibbs that the Home Government, while supporting the principle of the Bill, would never risk serious disorder just to apply it. He saw in the Atkins-Kimberley interview (*supra*, pp. 204-205) a hint that while further modifications were up to the Indian Government, "they would not be unfavourably received by the Cabinet."<sup>75</sup> Mackenzie therefore proposed that Europeans, when taken before Indian magistrates, be given an absolute right to have their cases transferred to European magistrates. This would produce a stronger and more defensible Bill than the "Turner Compromise," he said.<sup>76</sup> He had discussed the plan with Evans, the spokesman for the responsible opposition, who thought it "a very favourable one and likely to put down opposition."<sup>77</sup>

Gibbs agreed with Mackenzie's interpretation of the Atkins interview and commended his plan.<sup>78</sup> Bayley also urged its acceptance:

. . . such a compromise means an avowal of defeat, but it is a defeat which is a large step towards future victory. It embodies both the principles which we and our opponents

contend for—ours that race disqualification in the Judge should disappear; theirs that Europeans should retain the privilege of a right to be tried by their own countrymen if they choose to claim it. . . .<sup>79</sup>

But Ilbert, indignant at Defence Association attempts to intimidate the Government, disagreed. He found the idea of an optional jurisdiction meaningless and unacceptable, and he quickly lined up the support of Quinton, Reynolds, and Hunter.<sup>80</sup>

Peacemaking was an unusual role for the fractious Robert Knight, but he had begun calling for a compromise almost as soon as he resumed control of the *Statesman*.<sup>81</sup> Knight's proposal, published on December 5, was similar to Mackenzie's: the Government should recognize the right of each man to a judge of his own nationality; it should insure this through executive arrangements, and where this failed, it should allow the right of transfer to such a judge (which, he felt certain, would be waived in nine cases out of ten).<sup>82</sup> Knight reminded his Indian friends that under this plan, Indians would be able to demand Indian magistrates. Indians in office would have the full powers of that office, but the Government would make the wisest arrangements for their posting; in the existing tumult, "it would be most unwise for the Government to send native magistrates into the planting districts or to any great railway station . . ."<sup>83</sup> Knight, although a sharp critic of the agitators, felt that the Government could not ignore the European community, but should try to accommodate it within its broad principles. The 'Turner Compromise' would not do so, he said, but would become a "dead letter," since it could only be invoked at a prohibitive cost.<sup>84</sup>

European leaders grasped at this proposal. Keswick told Knight (and Knight told Ripon's secretary) that if the Government would accept that proposal, "he for one will be thoroughly satisfied, and that he will move the Defence Association to accept the compromise."<sup>85</sup> A subdued Macgregor also commended Knight's plan to Ripon. The European community, he said, "would so far meet him as to accept a measure which would found the jurisdiction of the native magistrate upon the defendant's consent."<sup>86</sup> But the Indian newspapers would have none of it. The *Indian Mirror* said the proposal

would insult the magistrates and humiliate the Government.<sup>87</sup> *Sanjivani* said a right-minded man does not object to being tried by any able judge and does not insist on having his own countrymen.<sup>88</sup> *Som Prakash* said the *Statesman* proposal would negate the Bill, since it would confine Indian magistrates to districts without Europeans.<sup>89</sup> *Amrita Bazar Patrika* said Knight might be an "ardent friend" of the people of India, but he loved his own countrymen more.<sup>90</sup> The Ilbert Bill controversy, which had already wrecked several interracial bridges, appeared to be wrecking Knight's, also.

Ripon, like Keswick and Evans, sought to avert the looming collision. Granting the absolute right of transfer would have been one way out, but the Viceroy felt he could not take it. He told Northbrook he would have accepted it if possible, "but it seems to me that its adoption would reduce the Bill to a mere sham and would not really preserve the principle for which we have all along been contending, and I shall therefore feel bound to reject it."<sup>91</sup> He could, however, accept any modification of the Turner Clause "which would render it more easy to work or more completely effective."<sup>92</sup>

In England, the partisans for and against the Bill remained active, but the Government appeared unconcerned. "I see no sign of Atkins having any great success here," Kimberley cabled Ripon. "He does not attract much attention."<sup>93</sup> This account contrasted sharply with the reports in the Anglo-Indian newspapers, which were sent by the Defence Association and depicted each Atkins meeting as a huge success.<sup>94</sup> Atkins published the full version of his now-famous Kimberley interview, but it was cold comfort for the opposition. By Atkins's own account, the Secretary of State had told him unequivocally that the Bill would not be withdrawn, that automatic transfer rights for Europeans would be contrary to the Bill's principles, that continued agitation after passage of the Bill would be "disloyalty and rebellion," and that Europeans and Eurasians would *not* be given the same employment opportunities as Indians because "India is to be governed for natives only."<sup>95</sup> In this context, Kimberley's remarks quoted earlier (that it was the Government of India's Bill, and the Home Government had nothing to do with it) could never be construed as unconcern or repudiation of the Bill.

At this point the Ipswich election was held.<sup>96</sup> The result was: Henry West, Liberal, 3,266, and Sir William Charley, Conservative, 2,816. “The Liberals are naturally elated by their success, for which they worked very hard,” said the *Times*.<sup>97</sup> It was the only election in which the Conservatives had made an issue of the Bill, and they were beaten. A jubilant Northbrook reported this to Ripon and added that he saw no expression of feeling in England against the Bill. Atkins, he said, had been a conspicuous failure and had had difficulties at his meetings, unlike the unanimous support for the Bill at Liberal meetings.<sup>98</sup> (However, by the time Ripon received this letter with its good news, he had already made the decision for which he has been criticized ever since.)

The *Englishman*, surveying the “brutally frank” Atkins interview and the Ipswich results, began preparing its readers for a let-down. After applauding the Europeans who, in its view, had turned the wilderness that was India into a rich civilization it snarled:

It may be necessary to come to terms with the bitter opponent of English interests who worthily represents Mr. Gladstone and the Birmingham Caucus at Government House. It may be wise to make friends, to some extent, of the Mammon of unrighteousness whose temple has been set up on the banks of the Hughli. . . . But do not let us be too anxious to discuss the terms on which we may eventually be compelled to capitulate to the enemy. If the Option compromise be proposed, it is for us to see that, before thinking of accepting it, the amended measure is so framed as to give all possible security to the European.<sup>99</sup>

Thus, by mid-December, the Defence Association leaders, despite their belligerence, were seeking an armistice. The demonstrations and wild talk showed that they had created a ‘monster,’ and they were rapidly losing control of him. Ripon had not panicked, he was determined to pass a meaningful Bill, and the Home Government was now clearly behind him. If control of the campaign rested with the capitalists of Calcutta and England (*supra*, pp. 109-116), they had evidently concluded that the danger to their investments in India was far greater

from a continuing agitation, with perhaps disorders and even riots, than from this puny Bill. Perhaps appropriate instructions were sent out, although no such records survive. Macgregor's dispatches, vividly describing the tumult in India and the growing Indian counter-agitation, may have been intended to scare off the Government and rouse the capitalists, but they seem to have had exactly the reverse effect.

### 3. The Concordat

Eight days of frantic bargaining began with an Executive Council meeting of December 13, just before the supportive Ipswich result was known. Ripon had already rejected the Mackenzie-Evans proposal to allow Europeans to transfer their cases to European judges. He persuaded General Stewart, Ilbert, Colvin, and Hope to join him in defeating it, while Bayley, Gibbs, and General Wilson favored it.<sup>100</sup>

But Colvin then urged that, while Evans's proposal was not acceptable, the Government should use the opening to offer a counter-proposal. He proposed that a European British subject, when taken before an Indian Sessions Judge, be given the right to a jury (which, under the existing law, would have been a European-majority one), and when tried by an Indian District Magistrate, be allowed to claim a mixed bench, on which a European Justice of the Peace would sit with the Indian.<sup>101</sup> Stewart liked this idea, and if he and Colvin were joined by Bayley, Gibbs, and Wilson, that would constitute a majority. Ripon was dubious about mixed benches, but he accepted the idea of jury trials, which he had preferred in July to the 'Turner Compromise'.<sup>102</sup> In addition, he respected the views of Stewart and Colvin, whom he considered the two strongest men of his Council.<sup>103</sup> It was decided to sound out Evans on the proposal while studying it further.

Bayley, once a Ripon favourite, filed a fearful minute of dissent from the Council decision. Racial violence was "absolutely certain," in his opinion, if the Bill were forced through Council. The agitation had developed until "sedition scarcely veiled is openly upheld at public meetings and openly threatened by the Railway delegate in the face of the Secretary of State". Bayley drew a nightmarish picture of a race riots:

In Calcutta it is true we have some 75 European policemen and a large body of Native constables. But any collision on a large scale with the police, means broken heads, arrests, attempts at rescue, and finally commitment and prosecution before the High Court, and then we should have all the bitter spirits of the Bar at liberty to declaim for days in the interests of their clients, in the most violent language against the Government, with a sympathetic audience inside, and a noisy and applauding multitude outside, the whole scene to end in a triumphal acquittal, for assuredly in the present state of feeling in Calcutta no jury would convict. A few repetitions of the scene and bitterness not only against the Government, but against the Natives (for this underlies the whole feeling), goes on increasing, and Government is absolutely powerless to check it, and Calcutta would soon be a place where the Viceroy could not safely reside. Once more imagine the scene transferred to a mofussil railway station, with a number of railway employes or planters as actors. The danger here becomes far greater than even in Calcutta. In the districts we have no European police whatever... True, we have Native troops, but no Government with any knowledge of the country would venture to use them. As soon as it is understood that the Government is actually taking such a step, it would be the signal for factories to be burnt, property plundered, and defenceless families murdered. Here the weakness of our opponents is the secret of their strength. We cannot venture to bring forward our own strength against them, lest we bring on a war of races, a white mutiny, and chaos...<sup>104</sup>

Ripon's position was already weaker than the Home Government could comprehend; the collapse of some of his advisers' morale crippled him further. He wrote that Bayley “is completely demoralised and filled with fears of impending disasters... Gibbs is not much better, and Wilson, whose conduct is not, I am afraid, altogether what it ought to be, would support any concession...”<sup>105</sup> The Viceroy respected and relied on Colvin during those days, but Colvin had his own pragmatic and political approach. He felt that the

Government should hold a balance between Europeans and Indians, then in dangerous rivalry. The Bill, even as modified, would be "hailed by the Natives as a complete victory, while the English would be left humiliated and signally overriden."<sup>106</sup> Therefore, he pushed the Government into further efforts to accommodate the Europeans.

Colvin took his proposal of jury trial plus mixed benches of magistrates to Evans. Evans liked the jury trial proposal. He felt it would be popular with Europeans and create no inconvenience, since few cases were handled by District Magistrates, and Europeans would likely waive their jury rights in petty cases.<sup>107</sup> But he cautioned that an agreement would have to be reached by December 21, when he would have to leave Calcutta for the holidays. Otherwise, the mass meeting would be held and might blast any hopes of a settlement.<sup>108</sup>

The Executive Council reconvened on the 16th. The five-man majority stood firmly behind Colvin's proposal, with only Ilbert and Hope opposed. (Ripon's unexplained personal antipathy toward Hope negated any comfort his support might have given.<sup>109</sup> It was decided to cable Kimberley for his views.<sup>110</sup> The Secretary of State replied on the 19th that only Ripon could say whether conditions in India made a further concession advisable. He was "decidedly averse" to mixed benches, but he had no objection in principle to jury trials, assuming their practicality.<sup>111</sup>

The final attempt at an agreement came when the Executive Council met on the 20th. On reading Kimberley's reply, Colvin, supported by the Council majority, proposed that instead of mixed benches, Europeans be given a jury trial right before Indian District Magistrates as well as Sessions Judges. It was objected that this would maintain the legal distinction between European and Indian officials, the elimination of which was the whole purpose of the Bill. Ilbert then drew up a proposal to eliminate this distinction by giving Europeans this right before *all* District Magistrates and Sessions Judges. The majority favored this, and the fateful decision was in Ripon's hands.<sup>112</sup>

The Council majority, including Colvin and Stewart, had handed the Viceroy what he called the most difficult question

in his life.<sup>113</sup> He had four choices: (1) He could take the 'Turnerized' Bill to the Legislative Council in the face of the opposition of the Executive Council majority, but he had always said he would not overrule the majority.<sup>114</sup> (2) He could adopt it by executive fiat, by declaring it necessary for 'the safety, tranquillity or interests' of the country.<sup>115</sup> But this too would have been contrary to his principles, and both unjustified and impolitic under the circumstances. (3) He could withdraw the Bill entirely and concede defeat. (4) He could accept the jury trial proposal. Several factors aided his decision for the last. Without a settlement, there was a likelihood of violent resistance, along with a certainty of sullen opposition and a constant agitation for repeal. In such a situation Indian officials probably would not have been posted to turbulent districts, thus closing off many desirable positions to them. Under the Turner proposal, transfer rights would have been difficult to invoke for a man without means.<sup>116</sup> Ripon preferred trial by jury, "an especially English institution greatly valued by Englishmen... which they may reasonably wish to retain in this country."<sup>117</sup> Finally, extending the right of jury trials to all Session Courts would be conceding little, since most Europeans lived in jury districts already,<sup>118</sup> and its gradual extension had been expected anyway. Thus, the jury trial proposal seemed like the only reasonable solution, preferable to forcing the existing Bill through or dropping it entirely, and the Viceroy agreed to it.

But he proposed a condition: in order to obtain the additional safeguard of jury trials, the Europeans would have to agree to give District Magistrates and Sessions Judges stronger sentencing powers<sup>119</sup>. The Council proposed, and Evans agreed, to allow District Magistrates to levy fines of up to 2,000 rupees instead of 1,000, and jail sentences of up to six months instead of three. But since the extension of jury trials to the remaining Sessions Courts would affect few Europeans, Evans opposed extending the judges' powers as an unnecessary *quid pro quo*, and this was dropped.<sup>120</sup> Finally, the Defence Association would have to accept this proposal as a definitive settlement of the issue.

Evans carried this proposal to the Defence Association council on the 21st. He would have preferred to see the Bill

withdrawn, he told them, but the Government felt compelled to pass it in some form. However, the Government wanted to put a stop to the agitation, and it had therefore approved what was to be considered a final offer. Evans suggested that it might be their duty to accept the compromise rather than take the responsibility for continuing the agitation.<sup>121</sup> After discussion, the council voted unanimously to accept the agreement and signed the statement.<sup>122</sup>

In this way, the controversial agreement was reached. Ripon felt that he had made the best of a bad situation, providing Indian District Magistrates and Sessions Judges with jurisdiction over Europeans, eradicating the distinction between them and their European counterparts, and enhancing the magistrates' sentencing powers, while preserving the peace. Kimberley's first response was favorable: "I do not doubt that you have decided for the best, and I congratulate you on the virtual settlement of a most disagreeable controversy."<sup>123</sup>

#### 4. The Attack on the Concordat

But Ripon once again overlooked the importance of explaining his actions to the public, and once again it hurt him badly. He let the Defence Association inform the newspapers of the agreement. The Calcutta newspapers of December 22 carried this article:

We understand that a concordat has been arranged between the Government and the Council of the Defence Association, upon what may be described, generally, as the following terms:

1. No Native other than a Native District Judge and a Native District Magistrate is to exercise criminal jurisdiction over European British subjects.
2. The European British subject in every such case (including offences triable by a District Magistrate), is to be entitled, as of right, to be tried by a Jury, the majority of whom shall consist of European British subjects.
3. The right, moreover, is to be conferred even in non-jury districts.
4. This right is to apply in every case triable by a District

Magistrate even when such Magistrate is himself a European British subject.

5. The result of this agreement will be to establish upon a permanent basis, and as a measure of final legislation, this principle, the rights and liberties of European British subjects in criminal matters will in every case be safeguarded by a decision or verdict by men of their own race.<sup>124</sup>

The Defence Association then added:

We need hardly say that this affords a completely satisfactory settlement of the vital question in issue between the European community and the Government inasmuch as it irrevocably concedes the constitutional and equitable principle which has been so earnestly and persistently contended for by the European community in India during the last twelve months.<sup>125</sup>

Without falsifying a single fact, the statement gave a completely false impression of what had happened. Only a careful reading would reveal that, for the first time, *mufassil* Europeans would come under the jurisdiction of Indians.

Ripon was furious. He felt that he had upheld his principles, but this distorted version made it appear that he had yielded and recognized those of the Defence Association.<sup>126</sup> The increase in magisterial powers was not even mentioned. He wrote to Colvin: “The statement is a very dishonest one, and makes me regret that we ever had any communication with such people. I hope that you will take a high line with Evans on the subject; his honour is concerned in the matter, and he is bound to get a correct statement published and an inaccurate one disavowed.”<sup>127</sup> Colvin replied that the Defence Association evidently did not want to give its constituents the whole truth at once.<sup>128</sup> He was probably thinking of the planters and others whom the Association had whipped up and brought into town. How would these excitable fellows react to a capitulation? Therefore, it put the best face possible on the agreement and presented it as substantially a victory. Ilbert too, was steaming and feared ‘violent dis-

content' among the Indians.<sup>129</sup> Ripon asked his Law Member to contact Indian leaders (with whom he had developed a *rapport*) and explain the matter to them.<sup>130</sup>

Ripon's objections led to publication the next day of an "authorised version" of the 'concordat':

On the basis of the modifications approved in the Secretary of State's despatch, the right to be given to European British subjects, when brought for trial before a District Magistrate or Sessions Judge, to claim trial by jury, such as is provided for by Section 451 of the Criminal Procedure Code, subject to the following conditions:

1. No distinction is to be made between Native and European District Magistrates and Sessions Judges.
2. Powers of District Magistrates, under Section 446 of the Code, to be extended to imprisonment for six months, or fine of Rs. 2,000, or both.

The Executive Committee of the Defence Association to treat this understanding as a settlement.<sup>131</sup>

But first impressions proved to be lasting ones, and Ripon could never efface them. That same issue of the *Statesman* which carried the statement mourned:

The Viceroy is most unlucky. It is with a sort of dazed feeling that the city learned yesterday morning, of the terms of the 'capitulation' of the Government, to the demands of the European Defence Association, called by way of irony a 'compromise' . . . The magistrate's powers are to be handed over to a jury, which in planting districts will consist of planters, and at great railway-centres of engine-drivers and firemen. Instead of a strong and independent magistracy in the districts, as a 'terror to evil-doers', the Government deliberately deprives its own officers of all power whatever, and hands it over to the planters . . .<sup>132</sup>

The Europeans rejoiced at what they considered their triumph. A protest meeting had been scheduled for the Rangoon Town Hall on the afternoon of the 22nd. Instead,

Europeans who gathered there were read an account of the concordat. They approved it, congratulated the Association, and then adjourned with three cheers for Atkins, the Queen, and "the freedom of Old England."<sup>133</sup> The *Times of India* saw in the concordat the withdrawal of the Bill's "obnoxious principle" and said: "The victory so far as the European community goes is complete, and is too welcome to be greeted with undue elation."<sup>134</sup> The *Civil and Military Gazette* called it a triumph for the Defence Association, a compromise which made the Bill "an utterly impracticable addition to the Statute Book."<sup>135</sup> The *Englishman* and the *Pioneer* were more wary. They applauded the settlement, but warned that some practical problems were still to be faced, and that some extreme elements might be dissatisfied.<sup>136</sup> The Behar Light Horse were out on manoeuvres when about sixty of the Volunteers asked leave to return to the city for the scheduled mass meeting. The commandant refused it. A few minutes later, he received a telegram from the Defence Association, telling of final ratification of the concordat. He read it to the men, who received the news with "ringing cheers."<sup>137</sup>

Among the Bill's defenders, the *Bombay Gazette* was relieved at the settlement and pleased with the idea of trial by jury, although it saw some practical difficulties.<sup>138</sup> The *Madras Times* saw that the Government had gained its principle of equality, but at a high price: in removing an anomaly for a few officials, a far greater anomaly (for defendants) had been opened and prospects of a fair trial perhaps jeopardized.<sup>139</sup> The *Statesman* still called it "abject capitulation."<sup>140</sup>

With criticism mounting, Ripon wrote to Northbrook: "I have never had in my life to deal with so difficult a state of things and I feel that you and others may likely think that I have dealt with it wrongly."<sup>141</sup> He recited the story of the events of December. He realized the dangers of the agreement, he said, and that he might be charged with yielding weakly, but he still felt he had done the right thing.

News of the concordat reached England on the 22nd, long before Ripon's explanation. Reuter's carried the Defence Association version, and the *Times* carried a fuller account from Macgregor. The *Times* approved, adding another peal of praise for the Europeans in India as 'the best, and, indeed,

the only hope of animation and movement which may extend to the entire mass. . . a corps d'elite, whose opinions must be considered, and whose feelings of self-respect are not safely to be outraged."<sup>142</sup> The *St. James Gazette* said Ripon's "surrender" would not undo the damage of the controversy. The invidious distinction remained, and the administrative inconvenience was increased, it said.<sup>143</sup> The *Daily News*, which had defended the Bill, agreed; if Ripon was willing to make such a settlement, why had he ever brought in the original Bill?<sup>144</sup> The bitter disappointment of the Liberals was seen in the article which Col. Robert D. Osborn, London correspondent of the *Statesman*, sent on December 29: "Lord Ripon's latest compromise on the Ilbert Bill has been received with no little disgust among those who have been fighting his battle at home. It is everywhere felt that his action throughout the whole of this protracted business has been pitifully weak and vacillating . . ."<sup>145</sup> The Viceroy had not "sufficient iron in his constitution," he said. He had deserted his friends "at the moment when success was certain." Osborn thought Ripon should resign.

His viceroyalty cannot now be profitable for anything, for he has alienated the confidence and killed the enthusiasm of his supporters in this country. They, at any rate, will not expose themselves a second time to the humiliation of following a leader who goes over to the enemy just when the battle is about to begin.<sup>146</sup>

Retired India officials complained that jury arrangements would be impossible to administer and completely destroy rural justice; it was always difficult to find enough impartial Europeans for a jury.<sup>147</sup> Gladstone was "perplexed" at Ripon's handling of the affair.<sup>148</sup> Kimberley, who had at first congratulated Ripon, now asked him whether jury trial meant with a European majority. Yes, he was told, that was the existing law, Section 451 of the Criminal Procedure Code.<sup>149</sup> In a somewhat chillier letter, Kimberley then questioned the practicality of jury trials and regretted that such concessions had been necessary, although he acknowledged that in the face of a Council majority, Ripon could not have persevered.<sup>150</sup> His next letter was chillier still:

It would be wrong if I were to conceal from you that much dissatisfaction is manifested here at the course taken by the Indian Government. The provision as to juries is represented as a retrograde step, adopted only to avoid withdrawal of the Bill . . . what I heard of the opinion of my Council was not encouraging. I only saw two of them, and they were both eager that the Bill should be vetoed, and gave me to understand that this was the prevailing desire amongst their colleagues.<sup>151</sup>

Most painful to Ripon must have been the reaction of his old friend and confidant, Hughes, written on January 2:

The plain truth is that I haven't had the heart to write. It seemed so clear that the Government had quite resolved to stand by you and the Bill in its integrity, and that the furious outbreak of jingoism was so unreal and sure to collapse when firmly met, that it fairly took the heart and spirit out of one when one found that the battle had been fought

Ripon's more immediate worry, however, was the Indian reaction. He feared that Indian leaders, observing the European jubilation, might feel that the Government had abandoned them, and lose confidence in it.<sup>153</sup> Ripon wrote to Hume, explaining his actions, urging him to explain to his friends, and hinting that it would "tend to hasten" the extension of jury trial to Indians.<sup>154</sup> Hume replied by approving the settlement in the interests of peace.<sup>155</sup> However, as Ripon had expected, some "ardent spirits" opposed any concession whatever to the abusive Anglo-Indians.<sup>156</sup> At least three neighborhood meetings in Calcutta denounced the concordat.<sup>157</sup> Early reports from Bombay and Madras told of great alarm and upset there.<sup>158</sup>

Amir Ali's first reaction, reportedly, was that the concordat was ten times worse than withdrawal of the Bill.<sup>159</sup> He and other Indian members of the Legislative Council interviewed Ripon and told him they would oppose the concordat. Amir Ali wrote in his memoirs: "We explained our position; Lord Ripon was very frank; he said in effect that if we persisted in

our opposition, he would have to resign, and asked us to consider whether his retirement should be to the advantage of India. We asked time to consider the matter and consult representative men."<sup>160</sup> The matter came before a meeting of Muslim leaders on the 24th. Wilfred Scawen Blunt, a guest of India's Muslims that season, urged them to work with Hindus to oppose the concordat and expand Indian political rights.

I . . . told them that if they deserted the Hindus in this instance, they would never have any reform given or justice done to them for another twenty years. They must sink their differences and their private interests if they wanted to force the Government's hand. The Bill was the battle-ground on which the whole principle of legislation for India was being fought . . .<sup>161</sup>

In a heated debate, Amir Ali was able to obtain passage of his resolution supporting the compromise.<sup>162</sup> The concordat came up again on the 27th, when the National Mahomedan Conference met in Calcutta. Nawab Syed Wilayat Ali Khan, the man of amity from Bihar, defended it. A barrister, Lutfar Rahman, denounced it and called for determined opposition. But Moulvie Seraj-ul-Islam said more time was needed for consideration, and the meeting took no action.<sup>163</sup>

It was a difficult decision for Indian politicians: attack the concordat or support Ripon? Manmohan Ghose telegraphed Bombay leaders: "Concordat made under extraordinary pressure, Disapproved strongly, but if we assume hostile attitude, Viceroy surely resigns and Liberals are damaged. Think consequences and telegraph advice."<sup>164</sup> Vishvanath Narayan Mandlik, head of the Bombay branch of the East India Association, replied, urging support for Ripon.<sup>165</sup> Mandlik telegraphed Primrose: ". . . we follow Lord Ripon in whom we fully confide to preserve our rights and interests. We shall not add to his embarrassment for which we feel deeply."<sup>166</sup> He told Pherozeshah Mehta, "The only Viceroy . . . who has done some real service, shall we drive him away?"<sup>167</sup> K.T. Telang at first said the principle of the Bill had been almost entirely sacrificed, and that feeling favoured a public protest meeting. The

next day, however, he said the statement adopted would read that because of so much confidence in Lord Ripon, his views would be accepted as the most judicious.<sup>168</sup> Badruddin Tyabji, visiting from Bombay, saw Ripon on January 1. He too was told of the possibility of a resignation, and he too urged acceptance of the compromise.<sup>169</sup> Thus, Ripon retained the confidence and support of some important Indian leaders.

But most of the Indian Press lacked this sophistication and exploded in fury at the first news. It accused Ripon of foolishness or cowardice, assailed his councillors, said withdrawal of the Bill would have been far preferable, and that the Government had disgraced and weakened itself, and that rural justice had been turned over to juries of planters and railwaymen, and that agitation and insult had been rewarded, and that if Indians wanted to improve their condition, they would have to do the same.<sup>170</sup> *Amrita Bazar Patrika* pictured “mourning and weeping all over the land” by people who, unless they also received jury trials, would feel themselves “most cruelly sacrificed at the altar of injustice, unholiness, and rampant Anglo-Indianism.”<sup>171</sup> The *Indian Mirror*, citing the efforts of Gibbs and Bayley, blamed the Civil Service for making Ripon’s position untenable.<sup>172</sup> “What a triumph for the Anglo-Indian Defence Association! What a humiliation for the Government! ” moaned the conservative *Hindoo Patriot*; it had purchased “peace with dis-honour” and turned over the administration of justice to “the irresponsible kith and kin of the accused.”<sup>173</sup> Most rhetorical of all was *Reis and Rayyet*:

The dear Bill has quite slipped through the fingers. . . . It has been throttled on the highway, and stabbed in the dark and left for dead. . . . We have been in haste to hero-worship. We have too easily believed. Now we are rudely awoken. The blow has come from our best friend. The father himself has abandoned his own pet child. . . . Was the reed so frail on which we leaned? . . . Frailty thy name is Ripon!

. . . What are men not capable of, if this? Oh, what a fall was there. . . :<sup>174</sup>

One Bengali paper suggested that Indians respond with a

boycott: "If high-handed civilians do not get khansamahs, if planters do not get coolies, they will not be able to stay for a moment in India. If they (the Indians) give up the use of Manchester cloths, these Anglo-Indians will have to fall on their knees."<sup>175</sup> It was a pregnant idea, but its time had not come.

Upcountry, the *Hindustani* of Lucknow voiced amazement and regret. It urged Indians in all parts of the country to hold meetings and pass resolutions condemning the jury proposal.<sup>176</sup> In Madras, the *Hindu* called it unbelievably absurd and preposterous, "a piece of injustice so gross that we cannot find language sufficiently strong to denounce it."<sup>177</sup> Only in Bombay did the Press, led by the two large Parsi dailies, take a calmer look at the concordat. The *Bombay Samachar*, while not happy about it, said Ripon had managed to maintain the main principle, for which Indians should be grateful.<sup>178</sup> *Jam-e-Jamshed* pointed out (correctly) that Ripon had only given away what would prove too inconvenient for Europeans to use, and that the alternative would have been a probable defeat in Council and the Viceroy's resignation.<sup>179</sup> The *Voice of India*, a Bombay monthly edited by Malabari, scanned seventy newspapers and reported that three-fourths of them bitterly opposed the compromise, while most of the rest were under the mistaken impression that jury trial was to be extended to Indians.<sup>180</sup>

This reaction brought a predictable counter-reaction from Europeans. Said the *Pioneer*: "... the extreme section of native agitators are of course loud in their denunciation of the compromise, and they have more than ever shown that their main object was rather to humiliate the European than to secure what they term the 'just rights' of the native."<sup>181</sup> The concordat thus averted the collision between the Government and the Europeans, but at a cost of heightening the existing racial antagonism in India.

## 5. Ripon's Defence

Once the first shock wore off and the misleading dispatch had been corrected, Indian sentiment began to swing back toward Ripon. The *Hindoo Patriot*, which had bemoaned the Government's "humiliation," admitted a week later that part of its distaste had been due to the "crow of triumph" with which

the Defence Association had announced it; the gains for Indians were greater and the dangers less than it had thought.<sup>182</sup> *Ananda Bazar Patrika*, which had criticized Ripon for yielding to the agitation, now declared that "the people of India have unbounded confidence in Lord Ripon, who came to this country to deliver them from oppression and make them happy, contented, and loyal."<sup>183</sup> *Rast Gostar*, on second thought, decided it was not a European victory after all, since the Europeans had agreed to be tried by Indians, which was the principle of the Bill.<sup>184</sup> Malabari's *Indian Spectator* said Indians should accept the compromise, that the jury trial concessions would prove useless because of the difficulty in finding suitable jurors.<sup>185</sup>

As Europeans took a more careful look at the concordat, they gradually realized that Ripon had gained more and given away less than had first been thought. On reflection, the grant of jury trials before District Magistrates and Sessions Judges was unlikely to create administrative chaos or destroy justice through partisan juries. District Magistrates did little trial work; returns for 1882 showed that they handled less than 3 per cent of all trials which ended in convictions.<sup>186</sup> The grant of jury trial rights before them was practically negated when Ripon then ordered them to give as much as possible of that little work to their subordinates, whose powers of summary trial were not touched by the concordat.<sup>187</sup> Since European uncovenanted and honorary magistrates retained their jurisdiction under the modified Bill, shortages of qualified European subordinate magistrates were unlikely. Thus, the criminal trial work of District Magistrate was practically limited to (1) remote districts with few Europeans, where there might not be enough European subordinates, (2) appeals from subordinate magistrates, which they heard or not at their discretion, and (3) cases in which the newly-enhanced sentencing powers of the District Magistrates might be required. Such cases had previously been tried in Sessions Court and still could be.

As for trials in Sessions Court, most *mufassil* Europeans already lived in jury districts, including the planters of the Assam Valley.<sup>188</sup> In the non-jury districts, assessors were appointed to sit with the judge and advise him (although the judge was not bound to follow their advice).<sup>189</sup> In the trial of a European, at least one assessor had to be a European. Juries

were not composed of twelve men, as in England, but of three, five, seven or nine, as the local government might decree for a particular district.<sup>190</sup> The difficulty of finding two to five Europeans for a majority was not far greater than that of finding one or more for assessors. Thus, the extension of jury trials to the remaining Sessions Courts was not likely to add substantially to the administrative problems. In fact, Ripon claimed that the concordat would probably affect fewer than twenty cases a year.<sup>191</sup>

The other great objection was that European jurors would so favor a European defendant that his conviction would be impossible. But under Section 321 of the Criminal Procedure Code, jurors were selected from lists compiled by the Sessions Judges and District Magistrates, so injudicious persons could be barred. Under Sections 277 and 278, objections to a juror could be raised by the accused or the prosecutor on grounds of partiality, inability to understand the language, or anything else that would render him an improper juror.<sup>192</sup> If the judge upheld the objection, the juror would be replaced. Section 307 gave the presiding officer a power which no judge ever had in Britain: if he disagreed with a jury's verdict, he could refer it to the High Court for review, *even in the case of an acquittal*. Finally, Section 526, which allowed the High Court to transfer cases, was expanded under terms of the concordat to include as a reason "whenever expedient for the ends of justice," which would include cases in which local excitement would have made a fair trial difficult. Thus, all the talk of planters and railwaymen taking over the courts, and of defendants being automatically acquitted by their kith and kin simply proceeded from ignorance of these safeguards.

Criticism of the amended Bill as a sham, of the grant of jurisdiction to Indian officials being nullified by the grant of jury trial, was no sounder. The judge or magistrate did far more in a case than decide guilt or innocence. His role in the selection of jurors and his power of appeal have already been cited. He also framed the charges, remanded prisoners to custody, decided points of law and evidence during the trial, and pronounced the sentences. Furthermore, the mere presence on the bench of an Indian would mean that all the authority and prestige of that position would attach to him. European de-

fendants and lawyers would have to address him respectfully, galling though it might be. Thus, the gains for Indian District Magistrates and Sessions Judges were substantial, and the principal objections were largely chimerical.<sup>193</sup>

The more the Europeans examined the concordat, the less they liked their ‘triumph.’ The letters to the *Englishman* warned that the concordat would give Indian magistrates the right to incarcerate Europeans until trial or arraignment before a European magistrate. The editor replied that Indian magistrates already had that right under the existing law.<sup>194</sup> ‘Britannicus,’ whose barbed pen had added so much to the agitation, was full of objections to the jury provisions. He warned that Indian jurors would be unduly influenced by an Indian judge, while European ones might be confused by biased interpreters. If an Indian District Magistrate could appeal over a jury verdict, he would have “practically unrestrained criminal jurisdiction over British men and women, which is the very thing against which we have all along been contending.” He concluded that the grant of a jury was “simply a blind to induce the Council of the Defence Association to yield their consent. . . ,for it is really no concession or safeguard whatever . . . I therefore, on my own behalf, refuse to ratify the proposed Concordat, and I strongly exhort my countrymen also to refuse to ratify it.”<sup>195</sup>

The planters, especially the Assam tea planters, had been as shocked and outraged as the Indians at news of the concordat. They had sworn eternal defiance, and they felt betrayed. A meeting at Silchar on January 2 criticized the Defence Association for accepting a compromise without consulting the planters. They would accept the concordat, they said, only if (1) the Government declared it to be a final settlement, (2) jury trial were made mandatory and not just optional, and (3) the jury were to be entirely European, not just a majority, “as no confidence could be placed in the native portion of it, who would lack the independence of character necessary for the office. . . . We will be tried only by our own countrymen and shall acknowledge no other jurisdiction over us, and we believe the whole planting community of India are with us in this resolve.”<sup>196</sup> Planters who met at Sibsagar on the 7th demanded that the Ilbert Bill be withdrawn and an entirely fresh measure

embodying the concordat be presented for consideration.<sup>197</sup> The *Englishman*, which had done so much to arouse *mufussil* Europeans, now uncomfortably tried to pacify them. It urged planters to rely on the Defence Association to safeguard their rights, but it also suggested additional safeguards, such as making the juries three-fourths European.<sup>198</sup>

Even within the Government, the concordat created no concord. Thompson, Lyall, Fergusson, and Elliott, all of whom had pressed concessions and compromises on Ripon, now began finding fault with the compromise. They saw an added bother in seating more juries or transferring cases.<sup>199</sup> Ripon, who seemed increasingly disposed to consult Kimberley by cable, asked how he felt about extending the right of *habeas corpus* to Indians. The Secretary of State firmly opposed it.<sup>200</sup> The Select Committee considering the Bill wrangled over details. The European non-official members, with a restive clientele, tried to squeeze additional gains from it. Amir Ali, the only Indian on that committee, submitted a series of amendments to give Indians extra safeguards.<sup>201</sup> An argument developed over whether, when a jury trial was prayed before a District Magistrate, the case should be transferred to a judge (which Ilbert wanted) or tried by the magistrate (which the Anglo-Indians wanted, because of the magistrate's more restricted sentencing powers).<sup>202</sup> Suddenly the entire settlement was in danger. Colvin warned the Viceroy that a last-minute breakdown would "arouse more ill-will than ever, and nothing that the Government can say will allay it."<sup>203</sup>

The point had not been resolved when the Legislative Council met on Jan. 4, 1884. Ilbert first explained the reasons for the two revisions of the Bill; then he replied, briefly but incisively, to many of the arguments raised since his last speech, the previous March. Ilbert saw no support, either in the laws of Britain or practices elsewhere in the empire, for any "right" of trial by one's own race exclusively. On racial distinctions being "decreed by nature" he said:

The argument that race distinctions rest on certain physical and moral characteristics, and that we can neither create nor remove them by legislation, is really beside the mark. Nobody ever contended that we could. What

we do contend is that, in selecting an official to hold a post, to perform duties, or to exercise powers, the first thing to look to is his personal fitness; that the fact of belonging or not belonging to a particular race is not conclusive evidence of unfitness;... In short, the principle of the Bill is the removal not of race distinctions, but of race-disqualifications, which is a very different matter.<sup>204</sup>

Ilbert's speech was probably the best summary reply to the arguments against the Bill. Made earlier, it might have had some impact, but by January 4 interest had shifted from the rights and wrongs of the Bill to the terms of the final settlement, and who had won and who had lost.

Speaking after Ilbert, Hunter and Amir Ali expressed some doubts about the concordat, but called for its acceptance. Kristo Das Pal, however, withheld his judgment; he feared added administrative difficulties and new racial distinctions and anomalies. Miller brought up the unsettled point of the transfer arrangements, and Evans, who had just returned to Calcutta, asked for more time to negotiate this point and secure acceptance of the concordat by the European community. At his request, Ripon recessed the meeting.<sup>205</sup>

The negotiators then returned to their private meetings and worked out a compromise: the District Magistrate would hear the case if he could find a suitable jury; otherwise, the case would be transferred to Sessions Court, but the Judge would be restricted to the magistrate's sentencing power.<sup>206</sup> This was acceptable to Ripon. But he had learned his lesson about newspaper announcements. He told Colvin:

The object of our opponents will be to represent that we have made a new concession. It must be distinctly agreed that this line is not to be taken. If anything now settled is treated as a fresh matter yielded to the Association, I shall break off. Evans must be told that the Government will treat statements in the *Englishman* as a breach of any understanding come to.<sup>207</sup>

The Defence Association, though, wanted no further fight; it simply declared that practical arrangements for enforce-

ment of the concordat were the Government's province.<sup>208</sup>

This point resolved, the Legislative Council resumed its meeting on January 7, with both sides sniping at each other and no one really happy with the agreement. Evans chided Ilbert for first presenting an initial bill which was so unanimously condemned, then agreeing to a settlement which maintained racial distinctions for uncovenanted magistrates, and finally for declaring to the Council that the settlement was conditioned on its being "so worked as not to cause any failure of justice,"<sup>209</sup> a condition which, Evans said, "has given rise to great mistrust and alarm."<sup>210</sup> Thomas seized the point; if the grant of jury trials were conditional only, he would oppose sending the Bill to committee. He demanded assurances from the Government that it endorsed the principle and permanence of the settlement. Ilbert had said that true prestige sprang from the impartial administration of justice; Thomas replied that no empire was ever sustained by its law-books, but rather by its power, which prestige reflected. "Was there ever a nation that maintained its supremacy by the righteousness of its laws?" he asked.<sup>211</sup>

Next came Colvin, the principal architect of the settlement, who defended it against the attacks of Thomas on one side and Pal on the other.<sup>212</sup> Thompson expressed doubts about the workings of juries and promised to try to post a European Joint Magistrate in each district of Bengal to avoid them. The Lieutenant-Governor then acknowledged an open secret of the Civil Service: promotion to District Magistrate was no guarantee of ability or competence since those promotions went by strict seniority. When a man had worked the requisite number of years, he explained, he could claim such a promotion as a right, unless he were utterly incompetent, and if the Lieutenant-Governor denied it to him, "not only the officer himself, but the whole service, would resent the act as an unjustifiable exercise of power."<sup>213</sup>

Ripon spoke last. He admitted that the Government had not been able to remove all racial distinctions, as it had intended. He explained why he had approved the jury trial provisions. He reminded Thompson that promotion in the service was supposed to be based upon fitness, not seniority, and said he would warmly support any officer who disregarded seniority

for considerations of fitness.<sup>214</sup> Then, for the only time during the year-long controversy, the Viceroy showed his temper and publicly rebuked an opponent. British power and influence, he said, rested upon "the conviction of our good faith", and to hold otherwise would be inconsistent with the honor of England. He continued:

I have heard today with no little surprise a very different argument. The Hon'ble Mr. Thomas, in a speech in which he did his utmost to stir up the bitterness of a controversy which was approaching a settlement and to fan again the dying embers of race-animosity, has asked—Was there ever a nation which retained her supremacy by the righteousness of her laws? I have read in a book, the authority of which the Hon'ble Mr. Thomas will admit, that 'righteousness exalteth a nation,' and my study of history has led me to the conclusion that it is not by the force of her armies or by the might of her soldiery that a great empire is permanently maintained, but it is by the righteousness of her laws, and by her respect for the principles of justice. To believe otherwise appears to me to assume that there is not a God in Heaven who rules over the affairs of men, and who can punish injustice and iniquity in nations...<sup>215</sup>

Ripon's stout defence bore fruit. Knight's *Statesman* retracted its earlier criticism of the concordat. "The concessions which the Government has made are happily far less grave than we had feared... Mr. Evans has withdrawn almost every demand that the Defence Association made. It is Lord Ripon who triumphs after all, and we are heartily glad it is so."<sup>216</sup> The *Englishman* still called it "a substantial victory" for the Europeans and claimed that Ilbert's attempt to destroy its value had been "altogether foiled."<sup>217</sup> The *Pioneer*, taking a middle position, allowed that Ripon had been "too firm, too honest in his convictions" to simply drop the Bill.<sup>218</sup> Instead he settled for an arrangement which is

the net result of all the sonorous proclamations, the pretentious manifestoes, the bitter antagonisms, the dan-

gerous public excitement, which have been the curse of India for these last ten months. Lord Ripon has endangered the Empire in order that native officials may, in a small fraction of a still smaller fraction of the criminal work of the country, be competent in a still more minute fraction of instances, to charge a jury, the majority of which must necessarily be European. If Lord Ripon and the native community are content with the result, they are indeed thankful for small mercies.<sup>219</sup>

Indian opinion continued to shift in Ripon's direction. The Poona Sarvajanik Subha, after reading Ilbert's speech, approved the concordat but asked that jury trial be extended to Indians as well.<sup>220</sup> Most Bengali papers still lamented loudly the Government's "humiliation," the impending collapse of justice, and the terrors of rampant Anglo-Indianism; they called on Indians to unite and fight for their rights, the only way to get them from foreign conquerors.<sup>221</sup> But more voices began to defend the concordat. The influential *Som Prakash* compared the watered-down Bill to skimmed milk, which was still better than no milk at all.<sup>222</sup> The *Indian Mirror* called the jury concession a "fatal blunder," but *Amrita Bazar Patrika*, after examining the safeguards, concluded that Europeans had not really gained so much.<sup>223</sup>

In Upper India, newspaper sentiment in January was about evenly divided on whether to stand by Ripon or denounce the concordat. *Akhbar-i-Aam*, the largest Indian newspaper in the Punjab, at first said *mufassil* European juries would mean miscarriages of justice. But after reading Ripon's speech, it said the safeguards were quite sufficient, and that no sensible Indian could be dissatisfied with the arrangement.<sup>224</sup> In Bombay, where both sides had kept relatively cool throughout the controversy, most papers accepted the concordat. One such was *Mahratta*, which had previously called for an accommodation; editor B.G. Tilak wrote that "the conduct of certain Native papers that have sinned against Lord Ripon by crying down the Bill in its modified form deserves to be as severely censured as the conduct of the Anglo-Indians at the Viceroy's reception."<sup>225</sup> *Indu Prakash* attacked "the blind leaders of the blind" who wish for the impossible.<sup>226</sup>

The Indian ambivalence was clearly illustrated by a mass meeting on January 14, in Calcutta's Town Hall, with more than 2,000 present and W.C. Bonnerjee chairing. The first resolution, proposed by the Rajah of Paikpara, declared that the amended Bill would partially carry out the promises of 1833 and 1858. It was seconded by Sambhu Chunder Mookherji (who three weeks before had written, "Frailty, thy name is Ripon"), who praised the Viceroy and admired the calm vindication of his policy. However, the second resolution regretted the compromise and predicted that it would create inconveniences and failures of justice. Surendranath Banerjea, seconding it, attacked the concordat as unworthy of the Government and a measure that would accentuate the race difference which the Bill had been intended to remove. Yet he wanted it enacted, as "the first of a series of progressive reforms" in India. He told the meeting:

You have seen before you... the triumph of a great agitation. I would ask you to imitate the persistence and firmness of the Anglo-Indian agitators, discarding of course their bitterness and violence... The Ilbert Bill has called forth an awakening of public life unparalleled in the annals of this country. If we can utilise this feeling, deepen it, turn it into a salutary channel, an abundant harvest of good is promised to us...<sup>227</sup>

By abolishing racial distinctions and giving Indians "the full franchise of the British subject," he concluded, the English people would "pave the way for the final and complete assimilation of India into the Empire of Britain."<sup>228</sup> The crowd cheered.

## 6. The Bill Enacted

The Select Committee hammered the Bill into shape during mid-January. Ilbert rejected a series of proposals submitted by the European members. Of Amir Ali's amendments, only one was accepted, to amend Section 191 (c) to allow a defendant to have his case transferred if the presiding magistrate initiated the case from his own knowledge or private information (as against police reports). This would partly remedy the

complaint of the District Magistrate serving as both prosecutor and judge of a case.<sup>229</sup> It rejected the one demand found in most Indian statements on the Bill, whether favorable or unfavorable, that jury trial be extended for Indians as well.

The Bill came before the Legislative Council for final action on January 25. After Ilbert presented the committee report, and Evans warned that any problems which arose would be the Government's fault, the Maharajah of Durbhangā presented an amendment to give Indians a right to jury trials in all Sessions Courts, though not before magistrates. Amir Ali and Kristo Das Pal spoke in support of it. But Ripon persuaded the Maharajah to withdraw his amendment. The question was important and deserved full consideration, the Viceroy said, but it could not receive that consideration during that final discussion on the Bill.<sup>230</sup>

The debate then moved to the main Bill. Pal, having failed to extend jury trials to Indians, now objected to jury trials in general—the bother of juries in petty cases, risks of partiality, problems of transferring cases, etc. But he recognized that the main principle of the Bill had been preserved, and he accepted it in the hope that it would prove "the precursor of more substantial and abiding reforms."<sup>231</sup> Evans was no happier. He stressed that the European community had not assented to the principle of the Bill, but had merely agreed to its passage to secure peace. Any attempt to deprive them of their part of the settlement would mean a return to the *status quo ante*.<sup>232</sup> Ripon replied briefly to both. The Bill was then passed unopposed and became Act III of 1884.<sup>233</sup>

Even passage of the Bill did not end the arguments. Hope had not spoken against it in the Legislative Council, but he remained unreconciled and filed a minute of dissent with the Secretary of State. He vigorously opposed the extension of jury trial and regretted anything which would reduce the powers of the District Officer or add to his difficulties.<sup>234</sup> Sir Ashley Eden objected in the Council of India, and Sir George Campbell in the House of Commons. Eden, perhaps still annoyed about earlier incidents, said total withdrawal of the Bill would have been better than such an unworkable arrangement.<sup>235</sup>

The parting shots of the two leading Anglo-Indian news-

papers showed their contrasting viewpoints. The *Englishman*, spokesman for the non-officials, concluded that Englishmen had gained by the episode, since with guarantees of a jury trial they had "safeguarded themselves amid alien races."<sup>236</sup> The *Pioneer*, more concerned with administrative problems, said the Bill would alter the law for the worse, and that its passage was because of rulers "who, after months of obstinate opposition to the counsels of every responsible adviser, . . . escape from the results of their own shortsightedness and mismanagement by an expedient too transparently unreal to impose upon anybody but themselves."<sup>237</sup> It also attacked the amendments and speeches of the Indian members of the Council as intended only to intensify the discomfiture of the Government.<sup>238</sup>

The Indian newspapers of Bengal were still upset, but less so with Ripon or even the Anglo-Indians. They were nearly unanimous in their disappointment with the final form of the Bill, their bitterness that the Government had (seemingly) promised so much and produced so little, their chagrin at having been out-fought, and their determination to unite and agitate for reforms which would benefit them. The *Hindoo Patriot* said the concordat "teaches people that if they wish to be heard they must shriek as much as they can. . . . they cannot expect a hearing from their rulers, unless they can howl as lustily as their European fellow-subjects, use as skillfully as they the weapons of vituperation and ridicule, and practically stop the way of good government."<sup>239</sup> In Madras, the *Hindu* was disturbed at what it called "government by compact," which limited the Government's freedom of action and gave one community a preponderant influence at the expense of others.<sup>240</sup> The papers of Bombay, the Punjab, and the North-Western Provinces were, as a whole, better satisfied than Bengal with the amended Bill, which they saw as a basis for future gains.<sup>241</sup> But whatever their views, newspapers all over India were more alert to the progress of the Bill and reacted more promptly to developments than at the start of the controversy.

Only after passage of the Bill did Ripon receive Kimberley's letter of January 10, suggesting the possibility of a veto by the Council of India.<sup>242</sup> Both the *Indian Daily News* and the *Bombay Gazette* ran articles on the likelihood of a veto.<sup>243</sup> The very thought of those "old fogies" undoing his hard-won agreement

must have angered Ripon, for he replied:

That any Members of your Council should recommend you to veto the 'Ilbert Bill' appears to me astonishing. To do so would be an act of supreme folly. Opinions may differ as to the course which the Government of India has taken with regard to that measure, but to re-open that question now would be in the highest degree impolitic. If you were to veto the Bill, it would give a complete triumph to the Anglo-Indians, would lead to an immediate agitation among the natives, and would plunge the country again into a bitter controversy; but I need not argue against this proposal, as there is no danger of your adopting it.<sup>244</sup>

But Ripon's explanations had already vindicated him in England, as fresh letters showed. Gladstone now was satisfied and congratulated him "on your escape from what must have been a very wearying and very trying period....Your explanation of the concessions gives us much satisfaction. And altogether I cannot but rejoice that another great forward step has been made in the business of governing India...."<sup>245</sup> Northbrook wrote that under the circumstances, Ripon had done "the best thing which was practicable."<sup>246</sup> Kimberley wrote that Ripon's dispatch of January 27 (explaining the passage of the Bill) "gives a clear and satisfactory account of your reasons for the course taken by the Government," and that some of the dissatisfaction would be removed when it was understood what little effect the jury concession would have.<sup>247</sup> By the time Kimberley received Ripon's letter about the veto, it was the end of February, and the atmosphere had completely changed since he had first mentioned a veto, on January 10. He replied:

There is, of course, no fear of what you justly call the 'supreme folly' of vetoing the 'Ilbert' Bill, nor do I think any one in the Council, on reflection, would now advocate it. I am about to lay all the papers before Parliament, and, if the Opposition like to move in the matter, they will have a full opportunity of doing so. But men's minds are so full of Egypt, the Soudan and the Franchise Bill, that the Ilbert

Bill already seems to be a matter of ancient history.<sup>248</sup>

To summarize, the final confrontation over the Ilbert Bill began with the return of Ripon to Calcutta from Simla. Anglo-Indian papers were full of threats and imprecations, and the Viceroy was publicly jeered. There were reports of kidnap plots and plans for insurrection. The Home Government, which did not realize the danger of the situation, urged Ripon to pass the Bill, and he prepared to do so. However, leaders of the opposition, fearful of their own followers getting out of hand and turning violent, sought a further compromise. Several of Ripon's advisers, in a near-panic, urged him to grasp at any opening. They produced several compromise proposals, including one to give Europeans the right to jury trials before District Magistrates and Sessions Judges to compensate for their accepting the jurisdiction of Indians. A firm majority of the Executive Council backed this plan, Ripon agreed to it, and the Defence Association accepted it. However, the agreement was announced in distorted form, making it appear a Government surrender. The Europeans rejoiced, and Ripon's supporters were furious. A true account, accompanied by Ripon's explanations, convinced the Home Government that he had made a satisfactory settlement after all. On reconsideration, neither Indians nor Europeans were pleased with the outcome, but both accepted it grudgingly. Indian leaders, resenting any privilege granted to Europeans, drew the lesson that the way to improve their condition was to organize, agitate, and pressure the Government into reforms, rather than relying on the benevolence of a liberal viceroy.

## NOTES

<sup>1</sup>Prinsep, III, 424 and 428.

<sup>2</sup>Mody, I, 126.

<sup>3</sup>Dec. 6, 1883, p. 3.

<sup>4</sup>Dec. 4, 1883, p. 4.

<sup>5</sup>Pioneer, Dec. 5, 1883, p. 1.

<sup>6</sup>Letter of Dec. 18, 1883, *Kisch Papers*, I.O.L., MS Eur. B 135 VIII, 1620.

<sup>7</sup>Statesman, Dec. 4, 1883, p. 3; Englishman, Dec. 4, 1883, p. 3, and Dec. 17 1883, p. 8.

<sup>8</sup>Dec. 6, 1883, p. 4.

<sup>9</sup>Rungpore Dik Prakash, Dec. 6, 1883; Bangabasi. Dec. 1, 1883, and Udbodhan, Dec. 7, 1883, quoted in R.N.P., Bengal, 1883. pp. 830, 814, and 831, respectively. Rama was the perfect prince of Hindu mythology.

<sup>10</sup>Amrita Bazar Patrika, Dec. 6, 1883, p. 6.

<sup>11</sup>The Bengalee charged that railway police had tried to clear the platform and prevent the reception. Dec. 8, 1883, p. 559.

<sup>12</sup>Englishman, Dec. 3, 1883, p. 5.

<sup>13</sup>Ibid. Amrita Bazar Patrika estimated the crowd at 100,000 and called it a "second Dewalie," Dec. 6, 1883, p. 3. Dewalie (or Diwali) is a joyous Hindu holiday.

<sup>14</sup>Hindu, Dec. 17, 1883, p. 2; Times, Dec. 3, 1883, p. 9. Macgregor saw it as another example of "agitators" who were "manufacturing public opinion."

<sup>15</sup>Englishman, Dec. 3, 1883, p. 5; Bombay Gazette Dec. 3, 1883, p. 5.

<sup>16</sup>Durand Papers, Diary entry of Dec. 5, 1883.

<sup>17</sup>Cotton, *Indian and Home Memories*, p. 179. However, Cotton's memories were eighteen years old and not always reliable on points of detail.

<sup>18</sup>Englishman, Dec. 3, 1885, p. 5.

<sup>19</sup>Times, Dec. 4, 1883, p. 5.

<sup>20</sup>Ripon to Kimberley, Dec. 2, 1883. R.P., I.S.P., BP 7/3. pp. 304-305.

<sup>21</sup>See for instances the Hindu, Dec. 7, 1883, p. 4; Bombay Chronicle, Dec. 9, 1883, quoted in R.N.P., 1883, week ending December 15, p. 8, and Koh-i-Nur (Lahore), quoted in R.N.P., North-Western Provinces (which report included the Punjab), 1883, p. 1020.

<sup>22</sup>Dec. 4, 1883, p. 2.

<sup>23</sup>Dec. 3, 1883, p. 4.

<sup>24</sup>Dec. 3, 1883, p. 5.

<sup>25</sup>Dec. 12, 1883, p. 734.

<sup>26</sup>Times, Dec. 4, 1883, p. 5.

<sup>27</sup>Englishman, Dec. 13, 1883, p. 4.

<sup>28</sup>*Pioneer*, Dec. 7, 1883, p. 1; *Statesman*, Dec. 6, 1883, p. 3. See also Kisch to 'Henry,' Dec. 11, 1883, *Kisch Papers*, VIII, 1617-18.

<sup>29</sup>Ripon to Kimberley, Dec. 8, 1883, *R.P.*, I.S.P., BP 7/3, p. 306a.

<sup>30</sup>*Englishman*, Dec. 8, 1883, p. 5.

<sup>31</sup>*Council Proceedings*, XXII, 611-17, *passim*.

<sup>32</sup>*Ibid.*, p. 615.

<sup>33</sup>*Times*, Dec. 10, 1883, p. 5; *Englishman*, Dec. 8, 1883, p. 4.

<sup>34</sup>*Ibid.*, Dec. 10, 1883, p. 4; *Pioneer*, Dec. 12, 1883, p. 3.

<sup>35</sup>Dec. 2, 1883, quoted in *R.N.P.*, Bombay, 1883, week of December 8, p. 10. Ripon probably did not envision this compromise working out as a blanket transfer of all Europeans to European judges, but some of the Bill's supporters apparently did. It would, of course, have depended on the proclivities of the various High Courts.

<sup>36</sup>*Hindoo Patriot*, Dec. 10, 1883, p. 583; *Hindu*, Dec. 5, 1883, p. 3.

<sup>37</sup>Dec. 10, 1883, A letter spoke of other practical difficulties entailed, such as the delays involved, during which evidence could be tampered with. Letter of 'A,' *Englishman*, Dec. 13, 1883, p. 3.

<sup>38</sup>*Navavibhakar*, Dec. 10, 1883; *Murshidabad Pratanidhi* Dec. 14, 1883, and *Ananda Bazar Patrika*, Dec. 17, 1883, quoted in *R.N.P.*, Bengal, 1883, pp. 839, 852, and 858, respectively.

<sup>39</sup>*Times*, Dec. 10, 1883, p. 5.

<sup>40</sup>Northbrook to Ripon, Dec. 6, 1883; *N.P.*, vol. III, p. cxli.

<sup>41</sup>Bayley to Ripon, Dec. 6, 1883, *R.P.*, I.S.P., BP 7/6 (vol. II of 1883), pp. 170b-c.

<sup>42</sup>*Ibid.*, p. 170c. Sir Ashley Eden, with whom Bayley was evidently in contact, wrote that the latter was "very unhappy" in his post; "he writes in a most depressed state and evidently hates and distrusts his chief." Eden to Lytton, Dec. 27 1883, *Lytton Papers*, D/EK/C36.

<sup>43</sup>Ripon to Hume, Dec. 5, 1883, *R.P.*, I.S.P. BP 7/6 (vol. II of 1883). p. 92.

<sup>44</sup>*Amrita Bazar Patrika*, Dec. 13, 1883, p. 6.

<sup>45</sup>*Statesman*, Dec. 10, 1883, p. 3.

<sup>46</sup>*Ibid.*, *Amrita Bazar Patrika*, Dec. 13, 1883, p. 6; *Surabhai*, Dec. 17, 1883, quoted in *R.N.P.*, Bengal, 1883, p. 855.

<sup>47</sup>Great Britain, India Office, *Judicial and Public Papers*, vol. 114, no. 57.

<sup>48</sup>Dec. 14, 1883, p. 2. See also *Sambad Prabhakar*, Dec. 15, 1883, quoted in *R.N.P.*, Bengal, 1883, p. 855. The *Pioneer* was told that the Indian Association was sending agitators disguised as *sanyasis* (wandering holy men) to stir up support for the Bill. Dec. 17, 1883, p. 1.

<sup>49</sup>Dec. 14, 1883, p. 4.

<sup>50</sup>Quoted in *R.N.P.*, Bengal, 1883, p. 852. See also *Charu Varta*, Dec. 17, 1883, *ibid.*, p. 875.

<sup>51</sup>*Ibid.*, p. 837.

<sup>52</sup>*Medini*, Dec. 20, 1883, *ibid.*, p. 878; *Navavibhakar*, Dec. 10, 1883, *ibid.*, p. 839.

<sup>53</sup>Dec. 14, 1883, p. 2.

<sup>54</sup>*Englishman*, Dec. 17, 1883, p. 6, and Dec. 25, 1883, p. 3.

<sup>55</sup>*Times*, Dec. 18, 1883, p. 3.

<sup>56</sup>Letter of 'One of the Dominant Race,' *Rangoon Times*, Dec. 19, 1883. It is hard to tell how seriously to take this letter. If one were really plotting a rebellion, would he advertise it by [a letter to the newspaper?

<sup>57</sup>*Madras Mail*, Dec. 22, 1883, p. 5.

<sup>58</sup>*Pioneer*, Dec. 24, 1883, p. 2.

<sup>59</sup>Ripon to Kimberley, Dec. 8, 1883, R.P., I.S.P., BP 7/3, p. 306a.

<sup>60</sup>CARSTAIRS, p. 209.

<sup>61</sup>W.M. REID, *The Culture and Manufacture of Indigo* (Calcutta, 1887), p. 161.

<sup>62</sup>*Englishman*, Jan. 10, 1884, p. 4.

<sup>63</sup>III, 428. The fearful attitude of one member may be seen in Reid pp. 158-59.

<sup>64</sup>*Bengal Under the Lieutenant-Governors*, p. 787.

<sup>65</sup>COTTON, *Indian and Home Memories*, p. 179; "Memoirs of the Late Rt. Hon'ble Syed Ameer Ali," *Islamic Culture*, VI (April 1932) 163 (variations in detail). Whitehead, visiting Assam tea planters, said of their plans, which he did not describe, that the planters seemed to have "cast all common sense to the winds" (p. 207). Bombayites attending the Exhibition were reportedly "shocked by the violence of the opposition." Fergusson to Kimberley, December, 1883, *Fergusson Papers*, p. 488.

<sup>66</sup>Sanial, "Pillars of Indian Journalism—V," *Journal*, Mar. 29, 1908, p. 7.

<sup>67</sup>P. 3.

<sup>68</sup>Colvin to Ripon, Nov. 27, 1883, R.P., I.S.P., BP 7/6 (vol. II of 1883), p. 162. As Allen also owned the *Civil and Military Gazette*, this would seem to confirm Kipling's recollection (*supra*, p. 107).

<sup>69</sup>Bayley to Ripon, Dec. 3, 1883, R.P., I.S.P., BP 7/6 (vol. II of 1883), p. 166n. There is no indication that the interview ever took place, although Ripon did confer with Evans, Miller, and Gibbons during this time.

<sup>70</sup>*Pioneer*, Dec. 5, 1883, p. 3; Elliott to Primrose, Dec. 8, 1883, R.P., I.S.P., BP 7/6 (vol. II of 1883), p. 173.

<sup>71</sup>*Ibid.* Here is further evidence of the central direction of the campaign.

<sup>72</sup>P. 2.

<sup>73</sup>*Ibid.* The reply of the *Englishman* (Dec. 12, 1883, p. 4) was that the *Pioneer* might backpeddle, but the *Englishman* would fight the Bill to the end.

<sup>74</sup>Fergusson to Ripon, Dec. 6, 1883, R.P., I.S.P. BP 7/6 (vol. II of 1883), pp. 170e-f.

<sup>75</sup>Note of Mackenzie, Dec. 1, 1883, enclosed in Gibbs to Ripon, Dec. 3, 1883, *ibid.*, p. 166.

<sup>76</sup>*Ibid.*, p. 166m.

<sup>77</sup>Gibbs to Ripon, Dec. 3, 1883, *ibid.* Mackenzie's rapport with the opposition was such that he discussed his plan with Evans before presenting it to Gibbs.

<sup>78</sup>*Ibid.*

<sup>79</sup>Bayley to Ripon, Dec. 6, 1883, *ibid.*, p. 170b. Bayley overlooked the fact that Indians were already qualified by law for such appointments; the only principle at stake was that of jurisdiction.

<sup>80</sup>Ilbert to Ripon, Dec. 6, 1883, *ibid.*, pp. 170-170a.

<sup>81</sup>*Englishman*, Aug. 9, 1883, p. 2. See, for instance, his suggestions in the *Friend of India* (weekly adjunct of the *Statesman*) of September 8.

<sup>82</sup>*Statesmen*, Dec. 5, 1883, p. 2.

<sup>83</sup>*Ibid.*, Dec. 7, 1883, p. 2.

<sup>84</sup>*Ibid.*, Dec. 10, 1883, p. 2.

<sup>85</sup>Knight to Primrose, Dec. 13, 1883 *R.P.*, I.S.P. BP 7/6 (vol. II of 1883), pp. 178-178A.

<sup>86</sup>*Times*, Dec. 10, 1883, p. 5.

<sup>87</sup>Dec. 8, 1883, p. 2.

<sup>88</sup>Quoted in *R.N.P.*, Bengal, 1883, p. 856.

<sup>89</sup>*Ibid.*, p. 862.

<sup>90</sup>Dec. 20, 1883, p. 6.

<sup>91</sup>Ripon to Northbrook, Dec. 11, 1883, *N.P.*, III, 228-29.

<sup>92</sup>*Ibid.*

<sup>93</sup>Dec. 10, 1883, *R.P.*, I.S.P., BP 7/4, I, 442.

<sup>94</sup>See for instances the *Englishman*, Dec. 7, 1883, p. 4, and the *Pioneer*, Dec. 22, 1883, p. 4.

<sup>95</sup>*Englishman*, Dec. 13, 1883, p. 4.

<sup>96</sup>*Supra*, p. 213.

<sup>97</sup>Dec. 13, 1883, p. 8.

<sup>98</sup>Northbrook to Ripon, Dec. 13, 1883, *N.P.*, vol. III, p. cxlvi.

<sup>99</sup>*Englishman*, Dec. 14, 1883, pp. 4-5.

<sup>100</sup>Ripon to Northbrook, Dec. 25, 1883, *N.P.*, III, 240-41; Ripon to Kimberley, Dec. 17, 1883, *R.P.*, I.S.P., BP 7/3, p. 310a.

<sup>101</sup>*Ibid.*, p. 310b.

<sup>102</sup>*Ibid. Supra*, p. 178.

<sup>103</sup>Ripon to Kimberley, Dec. 22, 1883, *R.P.*, I.S.P., BP 7/3, p. 311.

<sup>104</sup>Note of Bayley, Dec. 15, 1883, enclosed in Ripon to Kimberley, Jan. 1, 1884 *ibid.*, pp. 7-8.

<sup>105</sup>Ripon to Kimberley, Dec. 17, 1883, *ibid.*, p. 310a. See also Ripon to Forster, Mar. 31, 1884, *ibid.*, BP 7/5, p. 28.

<sup>106</sup>Note of Colvin, Dec. 24, 1883, enclosed in Ripon to Kimberley, Jan. 1, 1884, *ibid.*, BP 7/3 pp. 9-10.

<sup>107</sup>Colvin to Ripon, Dec. 19, 1883, *ibid.*, BP 7/6 (vol. II of 1883), p. 186b.

<sup>108</sup>Bayley to Colvin, Dec. 15, 1883, *ibid.*, p. 180h.

<sup>109</sup>Ripon to Kimberley, Dec. 17, 1883 *ibid.*, BP 7/3, p. 310b. He said Hope's proposal "possesses in his eyes all the perfections which

.necessarily belong to every suggestion of his." There are other cutting remarks about Hope elsewhere in Ripon's letters.

<sup>110</sup>Telegram of Dec. 17, 1883, *ibid.*, 7/4, I, 442a.

<sup>111</sup>*Ibid.*, p. 442b.

<sup>112</sup>Ripon to Kimberley, Dec. 22, 1883, *ibid.*, BP 7/3, p. 311.

<sup>113</sup>*Ibid.*, p. 312.

<sup>114</sup>*Supra*, p. 101.

<sup>115</sup>*Statutes at Large*, 33 and 34 Victoria, c. 3 (Government of India Act of 1870), s. 5.

<sup>116</sup>Ripon to Kimberley, Dec. 22, 1883, *R.P.*, I.S.P., BP 7/3, p. 313.

<sup>117</sup>*Ibid.*, p. 317.

<sup>118</sup>*Supra*, p. 169.

<sup>119</sup>Ripon to Colvin, Dec. 20, 1883, *R.P.*, I.S.P., BP 7/6 (vol. II of 1883), pp. 99-100.

<sup>120</sup>Evans to Colvin, n.d., *ibid.*, p. 186f; Defence Association, *Proceedings*, meeting of Dec. 21, 1883.

<sup>121</sup>*Ibid.*

<sup>122</sup>*Ibid.*

<sup>123</sup>Secretary of State to Viceroy, Dec. 25, 1883 *R.P.*, I.S.P., BP 7/4, p. 445. He also endorsed it in a letter to Gladstone, Dec. 24, 1883, *Gladstone Papers*, MS 43, 228, vol. CXLIII, p. 131.

<sup>124</sup>*Statesman*, Dec. 22, 1883, p. 2.

<sup>125</sup>It was carried word for word in the *Englishman*, *Indian Daily News*, *Times of India*, and *Madras Mail* of Dec. 22, 1883.

<sup>126</sup>See the next section for Ripon's explanation.

<sup>127</sup>Ripon to Colvin, Dec. 22, 1883, *R.P.*, I.S.P., BP 7/6 (vol. II of 1883), p. 102. Even the term "concordat", by which the agreement was thereafter known, was seen as giving undue status to the Association. A concordat was usually a treaty between equals, such as between the Pope and a head of state.

<sup>128</sup>Colvin to Ripon, *ibid.*, p. 186i.

<sup>129</sup>*Ibid.*

<sup>130</sup>Ripon to Ilbert, Dec. 22, 1883, *Ilbert Papers*, I.O.L., MSS Eur D 594 (unbound).

<sup>131</sup>*Statesman*, Dec. 23, 1883, p. 2.

<sup>132</sup>*Ibid.*

<sup>133</sup>*Englishman*, Dec. 24, 1883, p. 4.

<sup>134</sup>Dec. 23, 1883, p. 4.

<sup>135</sup>Dec. 25, 1883, p. 2.

<sup>136</sup>*Englishman*, Dec. 24, 1883, p. 4; *Pioneer*, Dec. 25, 1883, p. 2.

<sup>137</sup>*Englishman*, Jan. 10, 1884, p. 4.

<sup>138</sup>Dec. 24, 1883, p. 4, and Dec. 25, 1883, p. 2.

<sup>139</sup>Dec. 25, 1883, p. 2.

<sup>140</sup>Dec. 28, 1883, p. 2, and Dec. 29, 1883, p. 2.

<sup>141</sup>Ripon to Northbrook, Dec. 25, 1883, *N.P.*, III, 238-248. It presumably arrived in mid-January.

<sup>142</sup>Dec. 22, 1883, p. 9.

<sup>143</sup>Dec. 24, 1883, pp. 3-4.

<sup>144</sup>Dec. 26, 1883, quoted in *Englishman*, Jan. 19, 1884, supplement.

<sup>145</sup>*Statesman*, Jan. 23, 1884, p. 2.

<sup>146</sup>*Ibid.* However, Ripon's other journalistic supporter in England, the *Pall Mall Gazette*, said if he had really been a weak man, he would have simply dropped the Bill long since. Quoted in the *Pioneer*, Jan. 21, 1884, p. 5. *The Spectator* approved of the compromise as a reasonable settlement. Dec. 29, 1883.

<sup>147</sup>Letters of F.S. Chapman and Sir George Campbell, *Times*, Dec. 25, 1883, p. 5, and Dec 31, 1883, p. 4, respectively; Eden to Lytton, Dec. 27, 1883, *Lytton Papers*, D/EK/C36; Ashburner to Fergusson. Mar. 19, 1884, *Fergusson Papers*.

<sup>148</sup>Diary of Sir Edward Hamilton (private secretary of Gladstone), B.M., Add. MSS 48635, VI, 42.

<sup>149</sup>Secretary of State of Viceroy, Dec. 25, 1883, R.P. I.S.P., BP 7/4, I, 445; Viceroy to Secretary of State, Dec. 27, 1883, *ibid.*, p. 446.

<sup>150</sup>Kimberley to Ripon, Dec. 27, 1883, *ibid.*, BP 7/3, p. 118b.

<sup>151</sup>*Ibid.*, Jan. 10, 1884, *ibid.*, p. 3. For Ripon's response, see *infra*, pp. 268-69. See also S.N. SINGH, pp. 52-53.

<sup>152</sup>Hughes to Ripon, Jan. 2, 1884, R.P., Add. MSS 43549.

<sup>153</sup>Ripon to Northbrook, Dec. 25, 1883, N.P., III, 247-48.

<sup>154</sup>Ripon to Hume, Dec. 22, 1883, R.P., I.S.P., BP 7/6 (vol. II of 1883), p. 104.

<sup>155</sup>Hume to Ripon, Dec. 25, 1883, *ibid.*, p. 194. Martin (p. 71) feels that Hume was only trying to curry favor with the Viceroy, since he had opposed an earlier version of the compromise.

<sup>156</sup>Ripon to Kimberley, Jan. 1, 1884, R.P., I.S.P., BP 7/3, p. 1.

<sup>157</sup>*Amrita Bazar Patrika*, Jan. 3, 1884, p. 3; *Bengal Public Opinion*, quoted in the *Englishman*, Jan. 4, 1884, p. 7.

<sup>158</sup>*Statesman*, Dec. 25, 1883, p. 3, and Dec. 28, 1883, p. 3.

<sup>159</sup>BLUNT, *India Under Ripon*, p. 96.

<sup>160</sup>“Memoirs of . . Ameer Ali,” p. 164.

<sup>161</sup>BLUNT, *India Under Ripon*, p. 103.

<sup>162</sup>“Memoirs of . . Ameer Ali,” p. 164.

<sup>163</sup>*Statesman*, Dec. 28, 1883, p. 3. ZAFAR-UL-ISLAM and WOLDMAN, p. 154, saw in this Muslim reticence seeds of a future separatist movement. However, many Muslims had firmly supported the Bill, and some had joined leaders of other communities in meetings and petitions (*Supra*, pp. 145-48). On the concordat, Muslims seemed no more pro-Government than Hindus.

<sup>164</sup>Mody, I, 137.

<sup>165</sup>*Ibid.*, 138,

<sup>166</sup>Dec. 25, 1883, *Ilbert Papers*. By an odd coincidence, Ripon appointed Mandlik to the Legislative Council several months later.

<sup>167</sup>Dec. 27, 1883, *Pherozeshah Mehta Papers*, quoted in Seal, p. 260n.

<sup>168</sup>Telang to Ilbert, Dec. 24 and 25, 1883, *ibid.*

<sup>169</sup>HUSAIN B. TYABJI, *Badruddin Tyabji, A Biography* (Bombay, 1952), p. 144.

<sup>170</sup>All or some of these opinions can be found unequivocally in at least twenty-five papers of Bengal, quoted in *R.N.P.*, Bengal, 1883, pp. 884-895, and 1884, pp. 3-41, *passim*. Apparently only two Calcutta newspapers defended Ripon from the first announcement of the concordat. They were *Sahachar* (*ibid.*, 1884, p. 28) and *Indian Empire* (quoted in the *Englishman*, Dec. 25, 1883, p. 5). Of course, all of this grief pertained only to those very few cases in which Indians wished to bring charges against Europeans; disputes between Europeans did not worry them.

<sup>171</sup>Dec. 27, 1883, p. 3.

<sup>172</sup>Dec. 26, 1883, p. 2. Other papers attacked Colvin personally for his role in the agreement.

<sup>173</sup>Dec. 24, 1883, p. 603.

<sup>174</sup>Quoted in the *Englishman*, Jan. 4, 1884, p. 7. Editor Sambhu Chunder Mukherjee had obviously been impressed with 'Hamlet.'

<sup>175</sup>*Sanjivani*, Jan. 5, 1884, quoted in *R.N.P.*, Bengal, 1884, pp. 39-40.

<sup>176</sup>Dec. 30, 1883, quoted in *R.N.P.*, North-Western Provinces, etc., 1884, p. 10.

<sup>177</sup>Dec. 26, 1883, p. 3. See also the *Hindu*, Dec. 28, 1883, p. 3.

<sup>178</sup>Dec. 24, 1883, quoted in *R.N.P.*, Bombay, 1883, week ending December 29, pp. 9-10.

<sup>179</sup>Dec. 26 and 27, 1883, *ibid.*, pp. 9 and 13.

<sup>180</sup>*Times of India*, Jan. 24, 1884, p. 2. The official report on the Bengali Press for 1884 spoke of the "keenest disappointment" shown at the concordat. India, Home Dept., *Public Proceedings*, June, 1885, 269-272 (B).

<sup>181</sup>*Pioneer*, Jan. 3, 1884, p. 3. See also the *Times*, Dec. 31, 1883, p. 5.

<sup>182</sup>Dec. 31, 1883, p. 615.

<sup>183</sup>Quoted in *R.N.P.*, Bengal, 1883, p. 890, and 1884, p. 17.

<sup>184</sup>Quoted in *R.N.P.*, Bombay, 1883, week ending December 29, p. 10, and 1884, week ending January 5, p. 13.

<sup>185</sup>*Ibid.* p. 8.

<sup>186</sup>Computed from figures in Note of Mackenzie, Apr. 12, 1884, *R.P.*, Add. MSS 43583, pp. 81-110.

<sup>187</sup>Ripon to Kimberley, Jan. 20, 1884, *R.P.*, I.S.P., BP 7/3, p. 20.

<sup>188</sup>*Supra*, p. 169.

<sup>189</sup>Memo of Colvin, enclosed in Ripon to Kimberley, Jan. 27, 1884., *R.P.*, I.S.P., BP 7/3, p. 27.

<sup>190</sup>India, *Act X of 1882*, s. 274. Presumably the smaller districts had smaller juries.

<sup>191</sup>Ripon to Kimberley, Jan. 27, 1884, *R.P.* I.S.P., BP 7/3, p. 24. This was probably a guess, as there seem to have been no firm figures. A note of Mackenzie's (enclosed in the above, pp. 29-30) showed that perhaps thirty or forty Europeans had been tried in Sessions Courts

the year before, most of them presumably in jury districts. There were no figures on how many Europeans were tried by District Magistrates.

<sup>192</sup>Note of Mackenzie, Apr. 12, 1884, *R.P.*, Add. MSS 43583, pp. 81-110. The code citations in this paragraph refer, of course, to India, *Act X of 1882*.

<sup>193</sup>Historians generally have joined Ripon's contemporaries in criticizing him for accepting these terms. Even Gopal, with his sympathetic view of Ripon, stated (p. 161): "...though the citadel was saved, the cause was lost. District magistrates and sessions judges had been deprived of their power of independent action."

<sup>194</sup>Letters of "Member of the Association" and 'Vain Promise', *Englishman*, Dec. 29, 1883, p. 3. The fact that Europeans did not know of the huge powers which *all* magistrates possessed, despite so much writing and talking, bears out the point made above (p. 124), that Indian magistrates had not abused those powers, and that Europeans' fears stemmed in part from ignorance of the law.

<sup>195</sup>*Englishman*, Jan. 4, 1884, p. 3.

<sup>196</sup>*Ibid.*, p. 4.

<sup>197</sup>Account enclosed in Colvin to Ripon, Jan. 31, 1884, *R.P.*, I.S.P., BP 7/6 (vol. I of 1884), p. 51.

<sup>198</sup>Jan. 4, 1884, p. 4.

<sup>199</sup>Elliott to Ilbert, Jan. 7, 1884, *Ilbert Papers*; Thompson to Ripon, Jan. 5, 1884, *R.P.*, I.S.P., BP 7/6 (vol. I of 1884), p. 6d; Lyall to Primrose, Jan. 6, 1884, *ibid.*, p. 6f; Fergusson to Ripon, Jan. 10, 1884, *ibid.*, pp. 23-24.

<sup>200</sup>Dec. 31, 1883, *ibid.*, BP 7/4, I 447.

<sup>201</sup>Ilbert to Ripon, Jan. 3, 1884, *Ibid.*, BP 7/6 (vol. I of 1884), p. 4c.

<sup>202</sup>Colvin to Ripon, Jan. 3, 1884, *Ibid.*, p. 4d.

<sup>203</sup>*Ibid.* Jan. 4, 1884, *Ibid.*, p. 4e.

<sup>204</sup>*Council Proceedings*, XXIII (1884), 4-21, *passim*.

<sup>205</sup>*Ibid.*, pp. 22-31.

<sup>206</sup>Colvin to Ripon, Jan. 4, 1884 *R.P.*, I.S.P., BP 7/6 (vol. I of 1884), p. 4f.

<sup>207</sup>Ripon to Colvin, Jan. 5, 1884, *Ibid.*, pp. 5-6.

<sup>208</sup>Defence Association, *Proceedings*, meeting of Jan. 5, 1884.

<sup>209</sup>*Council Proceedings*, XXIII, 21.

<sup>210</sup>*Ibid.*, pp. 34-41.

<sup>211</sup>*Ibid.*, pp. 45-48.

<sup>212</sup>*Ibid.*, pp. 48-52

<sup>213</sup>*Ibid.*, pp. 53-56.

<sup>214</sup>*Ibid.*, pp. 58-68.

<sup>215</sup>*Ibid.*, p. 70.

<sup>216</sup>Jan. 9, 1884, p. 2.

<sup>217</sup>Jan. 9, 1884, p. 4.

<sup>218</sup>Jan. 9, 1884, p. 1.

<sup>219</sup>Jan. 14, 1884, p. 2.

<sup>220</sup>Letter of the chairman to Primrose, Jan. 6, 1884, *R.P.*, I.S.P.,

<sup>221</sup>BP 7/6 (vol. I of 1884), p. 7.

<sup>221</sup>See for instances *Surabhai*, Jan. 7, 1884, and *Udbhodan*, Jan. 11, 1884, quoted in *R.N.P.*, Bengal, 1884, pp. 42 and 65.

<sup>222</sup>Jan. 15, 1884, *Ibid.*, p. 72,

<sup>223</sup>Jan. 8, 1884, p. 2, and Jan. 24, 1884, p. 4, respectively.

<sup>224</sup>Jan. 9 and 16, 1884, quoted in *R.N.P.*, North-Western Provinces, etc., 1884, pp. 40-41 and 60-61.

<sup>225</sup>Jan. 6, 1884, p. 3.

<sup>226</sup>Jan. 13 and 14, 1884, quoted in *R.N.P.*, Bombay, 1884, week ending Jan. 19, p. 13.

<sup>227</sup>Compiled from accounts in the *Statesman*, Jan. 16, 1884, p. 3; *Hindoo Patriot*, Jan. 21, 1884, pp. 27-28, and *Amrita Bazar Patrika*, Jan. 24, 1884, p. 7.

<sup>228</sup>*Statesman*, Jan. 16, 1884, p. 3.

<sup>229</sup>Ilbert to Ripon, Jan. 12, 1884, *R.P.*, I.S.P., BP 7/6 (vol. I of 1884), pp. 24e-f; *Council Proceedings*, XXIII, 77-80.

<sup>230</sup>*Ibid.*, 77-88.

<sup>231</sup>*Ibid.*, 90-92.

<sup>232</sup>*Ibid.*, 92.

<sup>233</sup>See Appendix F. for the full text.

<sup>234</sup>Jan. 24, 1884, *R.P.*, I.S.P., BP 7/6 (vol. I of 1884), p. 39. Ripon filed a minute in reply, citing the rarity of cases tried by the District Magistrate (.7 per cent of all cases in Bengal, he said) and the enhanced sentencing power, which would both add to his prestige and reduce the number of cases transferred to Sessions Court. Jan. 26, 1884, *ibid.*, p. 31.

<sup>235</sup>Great Britain, India Office, *Judicial and Public Papers*, vol. 116, no. 158; *Hansard*, vol. CCLXXXIV of 3rd series, col. 1867.

<sup>236</sup>Jan. 28, 1884. It also noted that Europeans were organized and alert to oppose any further threat to their liberties.

<sup>237</sup>Jan. 24, 1884, p. 2.

<sup>238</sup>Jan. 30, 1884, p. 2.

<sup>239</sup>Feb. 4, 1884, p. 51.

<sup>240</sup>Jan. 28, 1884, p. 3.

<sup>241</sup>*R.N.P.*, Bombay, 1884, week ending February 2, pp. 13-14, and North-Western Provinces, etc., pp. 82-83 and 114-119, *passim*.

<sup>242</sup>*Supra*, p. 254.

<sup>243</sup>Quoted in the *Hindoo Patriot*, Feb. 4, 1884, p. 49, and Feb. 11, 1884, p. 61.

<sup>244</sup>Ripon to Kimberley, Feb. 6, 1884, *R.P.*, I.S.P., BP 7/3, p. 36.

<sup>245</sup>Gladstone to Ripon, Jan. 18, 1884, *R.P.*, Add. MSS 43515, no. 30. Gladstone had received Ripon's explanation two days earlier. *Hamilton Diary*, Add. MSS 48634, V, 66.

<sup>246</sup>Northbrook to Ripon, Jan. 25, 1884, *R.P.*, I.S.P., BP 7/5, p. 13.

<sup>247</sup>Kimberley to Ripon, Feb. 22, 1884, *Ibid.*, BP 7/3, p. 17.

<sup>248</sup>*Ibid.*, Feb. 29, 1884, *Ibid.*, p. 19.

## 6

# Epilogue

DESPITE the skepticism, the settlement held. The jury trial arrangements proved workable enough to be retained when the Criminal Procedure Code was next revised (Act V of 1898). The affair of the Ilbert Bill dropped from public notice in England and quickly became, as Kimberley said, “ancient history.” But not in India, where neither side was ready to forgive or forget. The resentful Anglo-Indians boycotted Government House as long as Ripon remained.<sup>1</sup> Such an atmosphere worked against the achievement of any significant reforms. Ripon had promised Durbhangā that the Government would seriously consider the extension of jury trial rights for Indians to additional districts, and in March 1884, he asked the local governments for their confidential opinions on it. The replies, in general, were that jury trial might be extended from time to time, cautiously and gradually, but there was no support for an immediate move.<sup>2</sup> Ripon decided to leave the matter as it stood, since local governments could extend jury trial at their will anyway.<sup>3</sup> The Viceroy’s attempts at educational and civil service reform were also fruitless. The Bengal Tenancy Bill, on which he had set such hopes, became enmeshed in differences within the Government and was held over for action by Ripon’s successor, the Marquis of Dufferin.<sup>4</sup>

Ripon’s term as viceroy was due to run until June, 1885, but (with a nudge from Kimberley and the Cabinet) he retired earlier, so that the Liberal Government could name a successor who would presumably continue his programs.<sup>5</sup> Ripon left India in December of 1884, accompanied by massive and enthusiastic demonstrations by Indians who remembered that, for all that he had failed to accomplish, he had stood and fought

for them.<sup>6</sup> In later years, Ripon served as First Lord of the Admiralty, Secretary of State for the Colonies, Lord Privy Seal, and Government leader in the House of Lords to round out a long and useful public career. Ilbert's term as Law Member ran until 1886, after which he returned to England and his career as barrister and legal scholar. He became clerk of the House of Commons in 1901.

But just as Ilbert is best remembered for 'his' Bill, so Ripon in retrospect never escaped the stigma of having allegedly collapsed under pressure and given away the Government's position. Even sympathetic historians have judged him harshly. One wrote that Ripon "lacked fibre, the strength to wage a solitary struggle," that he was wanting in fire and courage, and that "a stronger personality would no doubt have ridden out the storm."<sup>7</sup> Another maintained that Ripon backed down and was too weak a man to carry out his good intentions.<sup>8</sup> Both cited reactions based on that first twisted account of the concordat (*supra*, pp. 249-50), not upon later and more considered views. On the other hand, Henry Cotton, a supporter of the Bill who spent the entire time in Calcutta, wrote: "Lord Ripon was harassed and hampered in an inconceivable degree by the bigotry and race-feeling of his own fellow-countymen. He was paralysed from want of support, and neither he, nor any man in his position, single-handed, could have overcome the dead wall of antagonism by which he was confronted."<sup>9</sup> It is true that Ripon preferred a reasonable accommodation to continuous internecine warfare, whether violent or not. This did not suit those zealots (not all of them Indian) who wanted to see the Europeans smashed and humiliated. But Ripon, though surrounded by near-hysteria, made his choice with calm deliberation. There is no evidence in his letters or actions of panic or cowardice, nor of a want of fiber or courage.

For some, there were more serious matters than a particular issue or the personalities involved. They saw the controversy as exposing unsuspected flaws in the structure of the British Indian Empire, flaws which, unless mended, might cause further problems. The *Pioneer* wondered how an administrative system developed so carefully and so logically could have produced "a blunder of such magnitude."<sup>10</sup> Perhaps the entire

system needed changing, it suggested, since it had created a remote and unbalanced autocracy. The *Englishman* also saw "something wrong in the system, something defective in the process by which public measures are originated and brought forward, that so much mischief can be done in so short a time . . ." The paper also observed that the Government of India seemed unable to move until it had received the sanction of a council 5,000 miles away, as though it had no mind of its own.<sup>12</sup> Hume saw that Government as "a great cruel, blundering machine, running on its own weight, dragging along with it, nolens volens, all connected with it, even the driver being incapable of directing its course."<sup>13</sup>

Ripon saw a different sort of problem in the evolving attitudes of his countrymen. He wrote:

The 'damned nigger' style of conversation is general, any show of independence on the part of a native is considered an offence. . . minor assaults upon Natives are very common and are not condemned by the opinion of 'society'; and that even in the cases of more grave offences its sympathy is almost always with the European offender.

. . . the extension of the Anglo-Indian press, the facilities for intercommunication, the congregation of Europeans at hill stations, and other circumstances all tend to give a force to the general opinion of the Anglo-Indian body which it did not formerly possess, and to cast the minds of English youth who come out to this country into one universal mould on Anglo-Indian fashion. . .<sup>14</sup>

Ripon added that the Civilians, once protectors of the Indians, were coming more and more under the influence of "the narrow views and race prejudices which pervade European society."

The events of 1883 did not initiate the rift between Indians and Europeans, but they certainly widened it, and, in one view, completed "the estrangement of the two communities."<sup>15</sup> Henry Beveridge, returning from home leave, wrote to Annette in August, 1884: "India is getting very unpleasant with the strife between natives and Europeans. Two hostile camps are being

formed and it is becoming more and more difficult to belong to both.”<sup>16</sup> Carstairs saw the ill-will of the Ilbert Bill controversy spilling over to sway a Howrah municipal election in 1885.<sup>17</sup> Mackenzie Maclean wrote in 1900:

That good old feeling between conqueror and conquered, which thirty years ago seemed to be constant and of rapid growth, has now quite died out, and the gulf between European and native is more firmly fixed than ever. . . . the native of India, who used to accept European domination as a divine institution, has begun to ask himself what advantage he derives from the rule of the alien.<sup>18</sup>

Indians had been forming various political and social reform associations since before the Mutiny, most of them of short-lived and locally-based (even though they might take such ambitious titles as “Indian Association”). But as Indian leaders watched the activities of the European and Anglo-Indian Defence Association and the impact which it made, more and more voices called for a national association of Indians. Among them were the editorial in the *Indian Spectator*, Hume’s circular letter, and the Dacca speech of Lalmohan Ghose, all coming in the wake of that first Calcutta Town Hall meeting.<sup>19</sup> Even in “backward” Madras, the *Hindu* envisaged the irresistible force of “the united voice of two hundred millions (sic) of India’s people.”<sup>20</sup> At the height of the Ilbert Bill conflict, in mid-December of 1883, Surendranath Banerjea and his colleagues of the Indian Association responded by calling the first Indian National Conference. The conference met in Calcutta December 28 through 30, and among its achievements was a resolution regretting the concordat.<sup>21</sup> One speaker hoped the conference would be the first stage of a national parliament.<sup>22</sup> Banerjea later called it “the reply of educated India to the Ilbert Bill agitation.”<sup>23</sup>

Cotton, writing in 1885, explained what was happening:

India is a vast assemblage of different nations, divided into unsympathising castes, classes, and creeds. . . . Unsympathetic as the subject races may be among themselves, our Government is even more unsympathetic with all of them,

and a probability therefore always exists that they will consent to merge their own minor differences and unite in their opposition to the common head. An organization only is wanted around which the element of opposition may cluster.<sup>24</sup>

The Anglo-Indian agitation over the Ilbert Bill had, by its example, done far more to advance the cause of Indian unity than any conceivable legislation, Cotton said, and the peoples of India had begun "a national movement which is destined to develop and increase until it receives its fulfilment in the systematic regeneration of the whole country." Moreover, its leaders "assume independence as the only basis on which nationality is possible."<sup>25</sup>

The aforementioned organization was not long in coming. The local spadework continued. The Madras Mahajana Subha was founded in May, 1884, and the Bombay Presidency Association in January, 1885, begun by the same intercommunal trio that had defended the Ilbert Bill: Pherozeshah Mehta, Badruddin Tyabji, and K.T. Telang.<sup>26</sup> But events had shown Indians the need for "a national assembly wholly devoted to wider politics".<sup>27</sup> Hume moved around the country on various projects, contacting the local leaders. He and his associates formed an Indian National Union early in 1885. It was this organization which called a conference for December, 1885, in Poona, later moved to Bombay; this was the first Indian National Congress.<sup>28</sup>

Bishop Whitehead put it perhaps too baldly: "The response to the agitation of the Europeans against the Ilbert Bill was the National Congress,"<sup>29</sup> but the links are close. Banerjea said the agitation "strengthened the forces that were speeding up the birth of the Congress movement," and Bipin Chandra Pal, nationalist leader of a generation later, said the origin of political development in India could be found in the history of the Ilbert Bill agitation.<sup>30</sup>

The legacy of the Ilbert Bill controversy, then, was the atrophy of Ripon's administration, the growing antagonism between Europeans and Indians, and the determination of chagrined Indian politicians to organize nationally and campaign for their own political gains. The Congress was founded as the principal vehicle for these efforts.

## NOTES

<sup>1</sup>ETHEL A. WALEY COHEN, ed., *A Young Victorian in India: Letters of H. M. Kisch* (London, 1957), p. 202.

<sup>2</sup>See for instance Fergusson to Ripon, Apr. 1, 1884; Duff to Ripon, Apr. 4, 1884, and Thompson to Ripon, June 10, 1884, R.P., I.S.P., BP 7/6 vol. I of 1884), pp. 137, 148a, and 237-39, respectively.

<sup>3</sup>Ripon to Kimberley, Aug. 29, 1884, *Ibid.*, CP 7/3, p. 142.

<sup>4</sup>GOPAL, pp. 192-94.

<sup>5</sup>Ripon to Kimberley, June 24, 1884, R.P., I.S.P., BP 7/3, p. 113; Kimberley to Ripon, July 30, 1884, *Ibid.*, pp. 69-70. Martin (p. 16) cites growing policy differences between the two men.

<sup>6</sup>MARTIN, pp. 20-21. Predictably, Ripon's detractors attributed these demonstrations to the work of agitators and 'wire-pullers'.

<sup>7</sup>GOPAL, pp. 150 and 164.

<sup>8</sup>SEAL, pp. 169-170. For Vincent Smith's view, see *supra*, p. 3.

<sup>9</sup>*Indian and Home Memories*, p. 180.

<sup>10</sup>Mar. 10, 1883, p. 2.

<sup>11</sup>Dec. 7, 1883, p. 4

<sup>12</sup>Dec. 8, 1883, p. 4.

<sup>13</sup>Hume to Ripon, Mar. 4, 1884, R.P., I.S.P., BP 7/6 (vol. I of 1884), pp. 84a-b.

<sup>14</sup>Note of Ripon, Oct. 16, 1884, *Ibid.* (vol. II of 1884), pp. 138-39. See Cotton's earlier observations, *supra*, p. 175.

<sup>15</sup>AMVika CHARAN MAZUMDAR, *Indian Evolution*, 2nd. ed. (Madras, 1917), p. 38.

<sup>16</sup>Beveridge, p. 249.

<sup>17</sup>Carstairs, pp. 204-205.

<sup>18</sup>*Recollections of Westminster and India* (Manchester, ca. 1900), pp. 181-82. In 1898, Lord George Hamilton, Conservative Secretary of State for India, told Parliament that since Ripon's day, because of him, every issue in India had become a question between race and race. *Hansard*, 4th series, vol. LIII, col. 996.

<sup>19</sup>*Supra*, pp. 67, 69, and 180.

<sup>20</sup>Apr. 26, 1883, quoted in SUNTHARALINGAM, p. 207.

<sup>21</sup>MEHROTRA, p. 366.

<sup>22</sup>Ananda Mohan Bose, quoted in BLUNT, *India Under Ripon*, p. 114.

<sup>23</sup>BANERJEA, p. 86.

<sup>24</sup>*New India, or India in Transition*, p. 3.

<sup>25</sup>*Ibid.*, pp. 4-5 and 8. See also his *Indian and Home Memories*, pp. 180-81. Contrast this statement with Banerjea, supposedly the most advanced political leader, whose final goal was complete assimilation of India into the empire (*supra*, p. 266).

<sup>26</sup>SEAL, pp. 233 and 263. See also R. P. MASANI, *Dadabhai Naoroji: The Grand Old Man of India* (London, 1939), p. 224.

<sup>27</sup>MAZUMDAR, p. 39.

<sup>28</sup>Accounts vary as to the interplay of personalities and motivations. Among the more thoughtful studies of this crucial event are R. C. MAZUMDAR, *History of the Freedom Movement in India*, pp. 387-397; SEAL, pp. 272-77, and MEHROTRA, pp. 381-401.

<sup>29</sup>WHITEHEAD, p. 214.

<sup>30</sup>BANERJEA, p. 86; Pal, I, 408.

## 7

## Conclusion : Anomalies and Deceptions

**A**N EMPIRE—the rule of one people over another—is an unnatural and thus an unstable institution, an anomaly. This seems so obvious in historical hindsight that it is hard to realize that, in the late nineteenth century Europeans considered their empires natural, reasonable, just, and thus likely to endure indefinitely. This unnaturalness was especially true of the British Empire, in which so much of the world was run by so few, and especially especially the British Indian Empire, in which a wondrous fabulous land with a mature civilization was being run by a small band of aliens. It is not surprising that this went to their heads, and the British began to consider themselves a special breed of men.

But their sense of superiority required that the British and other Europeans have some sort of moral justification for their rule; it could not be simply brute force. For British liberals, the justification was that India was progressing under their rule, both morally and materially, and that they were preparing Indians for eventual self-government. But for most Anglo-Indians, the justification was that the ‘conquering race’ had brought law and order to the wilderness that was India, and that their duty to those “lesser breeds without the Law” was simply to rule wisely and well. This ‘White Man’s Burden’ had been thrust upon them because they were an advanced, a superior breed of men. In this way the rationale for the *raj* rested on a belief in racial superiority, that their subjects were not only not their equals, but were scarcely human. Race served the Anglo-Indians, in Hannah Arendt’s words, as “the

emergency explanation of human beings . . . whose humanity so frightened and humiliated the immigrants that they no longer cared to belong to the same human species.”<sup>1</sup> The British used this excuse to justify an already-existing empire. They said it so often that they deceived themselves into believing it. And so they were unprepared for the challenge of the Ilbert Bill.

The Ilbert Bill episode was a crisis which tore aside this curtain of self-deception. Actually, it was three crises in one: a crisis of ideology, a crisis of social relationships, and a crisis of the administrative structure’s ability to resolve conflicting claims.

The Bill itself, “a cloud no bigger than a man’s hand,” was devised to remedy a legal and moral anomaly, which it eventually did. But it exposed (and could not remedy) far more serious anomalies in the India of 1883: a viceroy who incongruously represented both Crown and partisan politicians, set atop an entrenched and self-seeking bureaucracy; councillors and provincial officials, supposedly coordinated parts of the imperial machinery, but selected largely from the senior ranks of the services and often opposed to viceregal goals; a Home Government, supposed to set and superintend general policies for India, but actually too absorbed elsewhere to do so effectively; a Council of India, supposed to advise the ministry expertly, but actually composed of old ‘India hands’ trying to defend the *status quo*; district officials, supposedly paternalistic guardians of their subjects, but actually sharers of the narrow views of their European neighbors or else cowed accomplices; Anglo-Indians, determined to defend their image of superiority, regarding the ‘natives’ among whom they lived with a mixture of fear and contempt; tea planters and others who felt that their security required a firm hand, sometimes even a fist, in handling workers and servants; Indian officials of proven competence and trustworthiness who were denied concomitant appointments; and Indian politicians and journalists who claimed that their fondest hope was to be free and equal partners in the empire, but who were beginning to ask

<sup>1</sup>*The Origins of Totalitarianism*, 2nd. enl. ed. (Cleveland, 1958), p. 185.

whether British rulers could really look after Indian interests. These were the administrative and social relationship aspects.

The ideological aspects can best be seen in the letters, articles and speeches which paint a composite portrait of the Anglo-Indian of 1883. He belonged to a 'conquering race'—he told himself so, again and again, as if trying to convince himself of it. The mere fact of British rule was his evidence, and the superiority of his culture was a natural concomitant. He and his fellows were torch bearers of this superior culture, and also the only hope for economic progress in India. India needed him, and anything which hampered him or made his already-difficult position even more so was contrary to the general interest.

This composite Anglo-Indian was so scornful of his Indian neighbors that he thought nothing of publicly insulting them. But he also mistrusted them ("half-devil and half-child"), feeling that they were always looking for devious ways of injuring him. The plan to subject him to Indian judges was just such a device. The reasons which he advanced against the Bill were a hodgepodge. Some were absurd, such as the misconceived legal notions and the paranoid fear of mutinous conspiracies. Some which sounded plausible, such as the flight of British investment capital, collapsed on close examination. Others which contained a kernel of truth, such as the incompetence of some Indian judges, cast a harsh light on the whole administrative system. But such arguments smacked more of rationalization than genuine reason. In the eyes of the Anglo-Indian, passing examinations and filling minor posts successfully did not make the 'native' a suitable judge of Englishmen. In fact, nothing on earth could make him a suitable judge, because he was an Indian and nothing could change that.

Those Indians who most nearly emulated the Europeans, the Bengali 'babus', provoked our Anglo-Indian to the greatest of rage and ridicule. The 'babu' was an affront, a challenge to his superior self-image, to his unequal relationships with Indians, and thus to his concept of empire. The 'babu's' demand for the rights and respect due an Englishman threatened the whole fantasy empire. As O. Mannoni has explained:

What is resented in Caliban is not really his physical ap-

pearance, his bestiality, his 'evil' instincts . . . but that he should claim to be a person in his own right and from time to time show that he has a will of his own. In other words, we are perfectly happy if we can project the fantasies of our own unconscious on to the outside world, but if we suddenly find that these creatures are not pure projections but real beings with claims to liberty, we consider it outrageous.<sup>2</sup>

The Ilbert Bill also received this outrage because it inferentially recognized the claim of the 'babu'.

The Anglo-Indian campaign backfired, however. Their furious attacks on Government and 'babu' cost them more in prestige than the Bill itself ever could have. The crisis which they provoked exposed concealed weaknesses in what had appeared as a stable, well-run, durable structure. It showed that empire unable to resolve the conflicting claims of Europeans and 'Westernized' Indians. It left the three principal parties—the Government of India, nonofficial Europeans, and educated Indians—suspicious and antagonistic toward each other. This lasting rift, this poisoned atmosphere, led to the founding of the Indian National Congress two years later and the eventual end of empire. In this way the Anglo-Indians helped to bring about what they wanted least.

The Anglo-Indians, in their self-serving mythology, often claimed that British rule was based on the sword. Actually, it was based on a subtle mixture of force and cooperation, of bluff and tact. It rested on the acquiescence, or at least the indifference, of the vast majority of Indians. They claimed that the *raj* was smoothly-running, stable, and benevolent, but their 'white mutiny' exposed the kinks in the machinery, the instability of abrasive group conflicts, and the mischief of the imperial relationship. The Indians eventually disposed of it.

<sup>2</sup>*Prospero and Caliban, The Psychology of Colonization*, 2nd ed. New York, 1964), p. 117. He added that racism was simply "a rather poor rationalization" of that outrage.

# **APPENDICES**

## **APPENDIX A**

### **Leading Indian Language Newspapers of 1883**

*Title, City, Periodicity, Description, Circulation*

#### **Tamil**

*Swadesamitran*, Madras, weekly, founded in 1882 by G. Subramanya Iyer as the “first regular newspaper” in Tamil.<sup>1</sup>

#### **Bengali**

*Sambad Prabhakar*, Calcutta, daily, largest and oldest Bengali daily, dating from 1830. Circ., 700.<sup>2</sup>

*Sulabha Samachar*, Calcutta, weekly, a Brahmo Samaj paper with the largest circulation of any Bengali paper.<sup>3</sup>

*Som Prakash*, 24-Pergannahs, weekly, conservative, patronized by orthodox Hindus.<sup>4</sup>

*Navavibhakar*, Calcutta, weekly, a conservative paper “conducted with great ability.”<sup>5</sup>

*Bangabasi*, Calcutta, weekly, dedicated to defense of orthodox Hinduism.<sup>6</sup>

#### **Urdu**

*Oudh Akhbar*, Lucknow, daily, moderate and respected. Circ., 620.<sup>7</sup>

*Koh-i-Noor*, Lahore, biweekly, founded in 1849, but supported

by the Maharajah of Kashmir after 1874. Circ., 440.<sup>8</sup>  
*Akhbar-i-Aam*, Lahore, biweekly, called a “scurrilous” paper which attacked the Government “on every possible occasion.” Circ., 1800.<sup>9</sup>  
*Aligarh Institute Gazette*, Aligarh, biweekly, founded in 1866 by Syed Ahmed Khan. Circ., 299.<sup>10</sup>

### Gujarati

*Bambay Samachar*, Bombay, daily, oldest of all newspapers in India, founded in 1822; a Parsi paper. Circ., 950.<sup>11</sup>  
*Rast Gofstar*, Bombay, weekly, founded as a reformist Parsi paper by Dadabhai Naoroji, but by 1883 conservative on social matters. Circ., 1814.<sup>12</sup>

### Marathi

*Indu Prakash*, Bombay, weekly, considered able, intelligent, and conservative. Circ., 1038.<sup>13</sup>  
*Dnyan Prakash*, Poona, biweekly, a paper founded in 1849. Circ., 484.<sup>14</sup>  
*Kesari*, Poona, weekly, popular and outspoken; although only two years old, its circulation of 3500 was already the greatest of any vernacular in the Bombay Presidency.<sup>15</sup>

## NOTES

<sup>1</sup>KRISHNA MURTHY, pp. 325-26.

<sup>2</sup>R.N.P., Bengal, 1883, pp. 1-2.

<sup>3</sup>R.N.P., Bengal, 1883, pp. 1-2.

<sup>4</sup>Memo of Raj Krishna Mookerjee, Bengali Translator to the Government, India, Home Department, Public Proceedings, June, 1885, 269-272 (B). (No circulation figures given.)

<sup>5</sup>Ibid.

<sup>6</sup>P.N. BOSE and W.H.B. MORENO, *A Hundred Years of the Bengali Press* (Calcutta, 1920), pp. 101-102.

<sup>7</sup>"Memo on the Vernacular Press for Upper India for 1876-77" and Report of Priya Das, Government translator, May 10, 1879, both found in India, Home Department, Public Proceedings, August, 1879, 292-302. *Ibid.*, February 1883, 187-188 (B).

<sup>8</sup>India, Home Department, Public Proceedings, February, 1883, 187-188(B). *Ibid.*, June 1884, 14-15(B).

<sup>9</sup>*Ibid loc. cit.*, February, 1883, 187-188 (B).

<sup>10</sup>Ibid.

<sup>11</sup>R.N.P., Bombay, Week ending Feb. 3, 1883, pp. 1-2

<sup>12</sup>*Ibid.* Natarajan, p. 60.

<sup>13</sup>R.N.P., Bombay, Week ending February 3, 1883, pp. 1-2. India, Home Department, Public Proceedings, June, 1885, 232-233(B).

<sup>14</sup>R.N.P., Bombay, Week ending February 3, 1883, pp. 1-2.

<sup>15</sup>India, Home Department, Public Proceedings, June 1885, 232-233(B).

## APPENDIX B

### The Ilbert Bill

#### **A BILL to AMEND the CODE of CRIMINAL PROCEDURE, 1882, so far as it relates to the exercise of JURISDICTION over EUROPEAN BRITISH SUBJECTS.**

**WHEREAS** it is expedient to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction of European British subjects: It is hereby enacted as follows:

1. For the last clause of section 22, the following shall be substituted:

“may, by notification in the official gazette, appoint such persons as he or it thinks fit, who, being  
(a) members of the Covenanted Civil Service,  
(b) members of the native Civil Service constituted under the Statute 33 Vict. cap. 3,  
(c) assistant commissioners in non-regulation provinces, or  
(d) cantonment magistrates,  
invested with the powers of a magistrate of the first class, to be justices of the peace within and for the territories mentioned in the notification.”

2. In section 25, after the words “British India” the following shall be inserted:

“sessions judges and district magistrates are justices of the peace within and for the whole of the territories administered by the Local Government under which they are serving.”

3. In section 443, the words "and an European British subject: shall be omitted.

4. For section 444, the following shall be substituted :

"444. An assistant sessions judge shall not exercise jurisdiction over an European British subject, unless he has held the office of assistant sessions judge for at least three years, and has been specially empowered in this behalf by the Local Government."

5. Section 450 and the last sixteen words of section 459 are hereby repealed.

6. (1) In this Act "section" means section of the Code of Criminal Procedure, 1882.

(2) All references to that code made in enactments heretofore passed or hereafter to be passed shall be read as if made to that Code as amended by this Act.

7. Nothing in this Act shall affect the validity of any appointment made before the passing of this Act.

## STATEMENT OF OBJECTS AND REASONS

SHORTLY after the Code of Criminal Procedure, Act X of 1882, was passed, the question was raised whether the provisions of that Code which limit the jurisdiction over European British subjects outside the Presidency towns to judicial officers who are themselves European British subjects should not be modified. It was thought anomalous that, while, natives of India were admitted to the Covenanted Civil Service and held competent to discharge the highest judicial duties, they should be deemed incompetent to be justices of the peace and to exercise jurisdiction over European British subjects outside the Presidency towns.

2. After consulting the local Governments, the Government of India has arrived at the conclusion that the time has come for modifying the existing law and removing

the present bar upon the investment of native magistrates in the interior with powers over European British subjects. The Government of India has accordingly decided to settle the question of jurisdiction over European British subjects in such a way as to remove from the Code, at once and completely, every judicial disqualification which is based merely on race distinctions.

3. With this object the present Bill has been prepared. In section one, it amends section 22 of the Code, which provides that only European British subjects can be appointed justices of the peace, and gives the Government power to appoint to that office such persons as it thinks fit belonging to the following classes:

- (a) Members of the Covenanted Civil Service;
- (b) Members of the Native Civil Service constituted by the rules made under the Statute 33 Vic., cap. 3;
- (c) Assistant Commissioners in Non-Regulation Provinces; or
- (d) Cantonment magistrates,

and being persons invested with the powers of a magistrate of the first class.

4. The Bill then in section two amends section 25 of the Code, and makes all sessions judges and district magistrates *ex officio* justices of peace.

5. Section three repeals so much of section 443 of the Code as limits jurisdiction over European British subjects outside the Presidency towns to magistrates who are themselves European British subjects.

6. Section four repeals the similar provision of section 444 of the Code with regard to sessions judges.

7. Lastly, section five repeals section 450 of the Code, which provides for the case where the sessions judge of the division within which the offence is ordinarily triable is not an European British subject. The same section of the Bill also repeals so much of section 459 of the Code as provides that that section shall not be deemed to confer on magistrates and sessions judges outside the Presidency towns, not being European British subjects, jurisdiction over European British subjects.

## APPENDIX C

### The Town Hall Speeches

The campaign against the Ilbert Bill reached an emotional peak with the meeting of February 28, 1883, in Calcutta's Town Hall. The speeches made there, especially the principal speeches by J.J.J. Keswick and James H.P. Branson, presented a derogatory picture of the Indian character. This provoked a sharp reaction from Indian newspapers, public speakers and associations, which had hitherto taken little interest in the Bill. But the meeting was self-defeating: its tone was so blatant that the Government could not withdraw the Bill without seeming to acquiesce in these views. These excerpts, chosen for their tone, are taken from the accounts of the meeting published on March 1 in *The Statesman* and *The Englishman*. A copy may be found in Great Britain, *Parliamentary Papers*, 1884, vol. LX, C-3952, pp. 9-36.

Excerpts from the speech of Mr. Keswick:

In the mufussil Europeans will be at the mercy of false charges, supported by bribery and corruption. In the time here of most of us we have seen cases against Europeans brought down from the mofussil in which native police, with the assistance of false witnesses, have worked up the most damning evidence, the falsity of which only the ability of counsel procurable in the capital has been able to lay bare. Do you think that native judges will, by three or four years residence in England, become so Europeanised in nature and character, that they will be able to judge as well in false charges against Europeans as if they themselves were Europeans bred and born? Can the Ethiopian change his skin, or the leopard his spots? . . .

It is quite clear then that the measures of the bill will not please the natives at large, and it is unbecoming of the Bengalis who have done so little for themselves to clamour in this way. What would they have been today had the British not taken the country? What would they be tomorrow were the British to clear out of it bag and baggage? The education which the Government has given them, and which they use chiefly to taunt it in a discontented spirit, would not put courage enough into their hearts to defend their hearths and homes, and these men . . . now cry out for power to sit in judgment on, and condemn the lion-hearted race whose bravery and whose blood have made their country what it is, and raised them to what they are.

. . . Natives in the Mofussil prefer a European judge, because of his being beyond bribery and partiality born of village influences too numerous to describe.

. . . Do not be deceived (by the right of appeal). Away in the interior of the country, where Europeans are few and scattered, where their interests and those of the natives often clash, and where false witnesses can be hired at four annas a head, your brother, or his wife, or his daughter, or your sister, it may be, may be convicted on the evidence of perjured villains and lie in prison for a month before released on appeal to Calcutta. A native judge, by reason of the conditions of his early nurture and early surroundings, by the fact that he has had no high principles inculcated during his infancy from an educated mother, and by the fact that, to thoroughly understand European nature, it is necessary to have that nature innate, is unfitted when trying an European to put himself in his place, and to judge from an European stand-point of the likelihood or not of his having committed the crime of which he is charged.

I am no hater of natives. I have many friends among them, and highly value their friendship. I admire the virtues and some of their ambitions. . . . but it will be a far future before they can achieve a position of confidence in the hearts of

the non-official Europeans as judges of a race whose nature and whose characteristics they are yet unable to understand.

Excerpts from the speech of Mr. Branson:

... the Criminal Judge has a double power—he has the power, first, of robbing you of your liberty, and he has the power next to stain your character. . . . That deprivation of liberty affects every man, but it affects naturally more those in whom there was an inborn love of freedom. Reputation, too, is dear to every man, but can any one be so blind as to say that his reputation is as dear to the Native as to the Englishman? Now, a freeborn nation loves its freedom, and it would not be judged by a nation steeped in the tradition of the conquered, but by a nation glorious in the tradition of conquerors (*Loud applause*). Is it, then, to be wondered at that Englishmen protest that they are not to be tried, that they will not hand over the custody of their liberties to such a nation as the Hindus of India? (*Applause*). . . . You cannot suddenly educate a Hindu into a full appreciation of his freedom. . . . Look at the history of India. Here you have a country that has been for all historical times, I say, the victim of one conquering nation or another. The conquered have hated the conquerors . . . and then these conquerors, conquered in their turn, have hated their conquerors, with an intense hate, which unmistakeably characterizes the races in India who stand in that position. If then the Hindu has no patriotism. . . if he does *not* hate us, then it follows that he has not a single quality which we can understand or appreciate. I speak not of the Mahomedans. . . . You are not so ignorant of the nature of that people as to suppose that the Mahomedans do not hate us, as coveting the possession of the rich prize that they had hoped to enjoy themselves. . . . Under these circumstances, is it any wonder that we should protest—if we should say that these men are not fit to rule over us, that they cannot judge us, that we will not be judged by them? (*At this point, according to the account in The Statesman the applause was so long and deafening that it was several minutes*

*(before the speaker could resume his address.)*

... I see no reason whatever for this change (except) a sentimental idea of taking away a grievance which a Bengali Babu felt, and which that Bengali Babu, with his faults, wants to see taken away, that he may have the gratification of putting his foot down, safe under the shelter of British arms and of judging 'cowards.' Ah, we grant we are cowards. (*Shouts of derision, cheers and sensation.*) Truly and verily, the jackass kicketh at the lion. (*Thunders of applause.*) Show him as you value your liberties; show him that the lion is not dead; he sleepeth, and in God's name, let him dread the awakening. (*Cheers and shouts from all sides.*)

... It is my duty to call upon you to let your voice be heard, that the proposers of these disloyal doctrines may cease to preach them, and that the people in England may be stirred up and see that we are standing here in defence of our rights, and that we should call upon our brethren in England to appeal to the House of Commons to save our wives, and daughters, and sisters from being tried by those who cannot understand them, and in whose justice we cannot have, and have not any faith . . . .

Now, this is notoriously a country in which the utmost ingenuity is ever striving to concoct and bring forward false charges. What the stiletto is to the Italian, the false charge is to the Bengalee. That is the weapon he ever carries about him, and his facile tongue enables him to use this weapon with most fatal precision. . . . picture to yourselves the position of an English lady in a remote district like Cachar, who has been brought up during her husband's absence by the designs of a wealthy zemindar, who, by a bribe given to her servants, is carried before the Magistrate, and there subjected to an examination at his hands with all that insolence that cowards are capable of, when they think there is no one to take them to task for it. It is more than sentiment; it is a sacred charge of a sacred duty. Many of you have brought from some far English home a girl for your wife who was entrusted to your hands and to

your protection by a confiding father or a loving brother. You have brought her from a condition which ensured that she would never be brought up for trial except before one of her countrymen, and if you give in now you are betrayers of that sacred trust. (*Indignant cheers, with cries of 'No, no.'*)

Now, gentlemen, are you going to surrender your rights? You must swear by all that is most sacred, that you will not. (*Cries of 'We swear it.'*) Let your voices be heard. Let them be assured that you will not give up your rights—that you are determined to stand by them, and will fight for them for your own sakes, and for the sake of those that are dearer to you than everything else that God has given to you on this earth. (*Cheers.*)

.... You do not allow your opinions to be heard, and you are, therefore, said to be dead dogs, and to have no opinions. When matters like this come forward, do not forget that the wily native is creeping about like a snake, and can go and poison the ears of your rulers against you. Otherwise how can we account for this extraordinary Resolution to pass this measure? (*Loud cheers*) .... You are not asking that anybody's privileges be taken away, but you are asking for your right. Fight for that, and pray that God may guide you to act wisely; and pray that God may, in his infinite mercy, guide the minds of your rulers in the conduct of this measure to a right conclusion that may avert cruel bloodshed and misery in this unfortunate land. (*Tremendous applause*).

## APPENDIX D

### A Selection of Verse

Both sides in the Ilbert Bill argument resorted at times to presenting their views in verse. The *Bombay Gazette*, perhaps the only organ which could find humour in the quarrel, presented a parody of the Calcutta Town Hall meeting in its March 16 issue. The part relating to Mr. Keswick's argument about the unfitness of native magistrates (see Appendix C) runs as follows :

*The Natives so lie throughout the Mofussil  
That a native judge they are sure to puzzle:  
And as we don't know his wife or daughter  
He can't know us as well as he ought ter.  
And not knowing us, of course he can't see  
What liars the native witnesses be.  
His principles too are sure to be shady.  
As his mother's not trained, like an English lady,  
To play the piano, paint flowers, and dance,  
And speak the French tongue as they speak it in France,  
So of course it's as clear as mud he's unfitted  
To say if it's likely a crime was committed.*

For a loftier, more inspirational sentiment, there was the poem entitled "Our Peers," which appeared in *The Englishman* of April 16. A part of it reads:

*O Britons, to the rescue!  
For the need is sharp and sore;  
The rights our sturdy fathers won  
Shall be our rights no more!*

*That they be borne of cowards  
May court a coward's fate;  
But will ye turn to slumber,  
With danger at the gate?*

*No brave victorious army  
Has met us in fair fight;  
No stranger of a stouter race  
Makes good the conqueror's right;  
The stronghold of our poorest  
Is true trial by his peers;  
And our Captain yields the fortress  
We have held six hundred years!*

*Shoulder to shoulder, Britons!  
Be calm as ye are strong;  
Come, we will pray our Viceroy:  
‘Pause, ere thou do this wrong;  
‘Pause, ere thou pluck up lightly  
‘The tender plant of peace;  
‘Pause, ere thou rouse a spirit  
‘Swift-surging, slow to cease!  
‘Pause, ere the fire shall kindle!  
‘Pause, ere the lump shall leaven!  
‘Hold! ere thou mock the memories  
‘Of eighteen fifty-seven!’*

*Tell him each man among us  
Would lavish forth his life,  
The father for his daughter,  
The husband for his wife,  
Ere these pure Christian women  
To glut some menial's grudge,  
Stand in the dock, the alien's mock,  
Before an alien judge.*

After the Calcutta Town Hall meeting of February 28, the prospects of enactment of the Bill appeared dim. The *Bombay Gazette* of March 5 anticipated its demise with a dirge set to a popular air of the day. The chorus:

*Years will come and years will go,  
Men will say, ‘What, do you know,  
Has become of Ilbert’s Bill, that mischievous little elf?’  
And the answer will be made,  
‘Poor Bill—he is ‘in the shade,’  
And his body lies reposing on some Legislative shelf.*

## APPENDIX E

### The Compromise Proposal

Lord Ripon and the majority of his Council, in an attempt to meet some of the objections to the original Bill, decided upon a compromise measure, which was sent to the Secretary of State for India on August 10, 1883. The text may be found in *Parliamentary Papers*, 1884, vol. XI ,C-3952, pp. 37-38. The substantive provisions are:

#### A Revised BILL to Amend the Code of Criminal Procedure, 1882.

Whereas it is expedient to amend the Code of Criminal Procedure, 1882; it is hereby enacted as follows:—

1. In Section 25, after the words “British India,” the following shall be inserted:—  
‘Sessions Judges and District Magistrates are Justices of the Peace within and for the whole of the territories administered by the Local Government under which they are serving.’
2. In Section 443, the words ‘and an European British subject’ shall be omitted.
3. In Section 444, for the words ‘unless he himself is an European British subject,’ the words ‘unless he is a Justice of the Peace’ shall be substituted.
4. Section 450 and the last sixteen words of Section 459 are hereby repealed and the latter section after the words ‘any Magistrate’ the words ‘or any Judge presiding in a Court of Session’ shall be inserted.
5. In Section 526, after Clause (d) the following shall be inserted namely,—  
or (e) that such an order is expedient for the ends

of justice.'

6. After Section 526 the following section shall be inserted, namely,—

'Section 526A. When in any criminal case or appeal, before the commencement of the hearing, the Government, the complainant, or the accused notifies to the Court before which the case is pending its or his intention to make an application under Section 526 for the transfer of the case or appeal, the Court shall, in order to give time for the application being made and an order being obtained thereon, exercise the powers of postponement or adjournment given by Section 344.'

## APPENDIX F

### Act No. III of 1884

What began as the Ilbert Bill eventually evolved into Act III of 1884, which received the assent of the Governor General on January 25, 1884. The full text, which may be found in *Parliamentary Papers*, 1884 vol. IX, c-3952, pp. 163-165, reads in its substantive sections:

Whereas it is expedient to amend the Code of Criminal Procedure 1882, it is hereby enacted as follows:—

1. In Section 25, after the words ‘British India,’ the following shall be inserted:—

‘Sessions Judges and District Magistrates are Justices of the Peace within and for the whole of the territories administered by the Local Government under which they are serving.’

2. To Section 191 the following shall be added, namely,—

‘When a Magistrate takes cognizance of an offence under Clause (c), the accused, or, when there are several persons accused, any one of them, shall be entitled to require that the case shall, instead of being tried by such Magistrate, be either transferred to another Magistrate or committee to the Court of Session.’

3. In Section 443, before the words ‘Presidency Magistrate’ the words ‘District Magistrate or’ shall be inserted.

4. In Section 444, after the words ‘Court of Session’ the words ‘except the Sessions Judge’ shall be inserted.

5. (1.) In Sections 446, before the words ‘Presidency Magistrate,’ the words ‘District Magistrate or’ shall be inserted.

(2.) To the same section the following shall be added, namely,—

‘And a District Magistrate shall not pass any such sentence other than imprisonment for a term which may extend to six months, or fine which may extend to two thousand rupees, or both.’

6. Section 450 is hereby repealed.

7. For Section 451 the following shall be substituted:—

‘451. (1.) In trials of European British subjects before a High Court or Court of Session, if, before the first juror is called and accepted, or the first assessor is appointed, as the case may be, any such subject requires to be tried by a mixed jury, the trial shall be by a jury of which not less than half the number shall be Europeans or Americans, or both Europeans and Americans.

‘(2.) When any such trial before a Court of Session would in the ordinary course, be with the aid of assessors, the European British subject accused, or, where there are several European British subjects accused, all of them jointly, may, instead of claiming to be tried by a mixed jury under Sub-section (1), require that not less than half the number of assessors shall be Europeans or Americans, or both Europeans and Americans.’

8. After Section 451 the following shall be inserted, namely,—

‘451A. (1.) In trials of European British subjects before a District Magistrate, any such subject may, in a summons case before he is heard in his defence under Section 244, or in a warrant case before he enters on his defence under Section 256, claim that the trial shall be by a jury composed in manner prescribed under Section 451.

‘(2.) If a claim is made under Sub-section (1) in a summons case at the time when the Magistrate calls upon the accused, under Section 256, to enter upon the defence, the Magistrate shall forthwith issue the necessary order for the trial by a jury as aforesaid.

‘(3.) If such a claim is made at an earlier stage of the proceedings, the Magistrate shall issue such orders whenever it appears to him, from the evidence recorded, that there will be a sufficient case to go before a jury.

‘(4.) In every such case the Magistrate shall, notwithstanding anything contained in Section 243, before issuing any orders as aforesaid, frame a formal charge.

‘(5.) The provisions of Sections 211, 216, 217, 219, and 220 shall, so far as may be, apply for the purpose of securing the attendance of the complainant, the accused, and the witnesses at every trial to be held under this section.

‘(6.) The provisions of this Code, relating to the procedure in a trial by jury before a Court of Session, shall, as nearly as may be, apply to every trial under this section as if the District Magistrate were a Sessions Judge and the accused had been committed to his Court for trial.

‘(7.) All Courts may construe any of the provisions referred to in Sub-section (5) or Sub-section (6), insofar as they are made applicable by that sub-section, with such verbal alterations not affecting the substance as may be necessary or proper to adapt the same to the matter before them.

‘(8.) Nothing in this section shall affect the power of the Magistrate to commit an accused person for trial under Section 347 or Section 447.’

‘451B. (1.) If an accused person claims to be tried by jury under Section 451A, and, in the opinion of the District Magistrate, there is reason to believe that a jury composed in the manner prescribed by Section 451 cannot be constituted for the trial before himself, or cannot be so constituted without an amount of delay, expense, or inconvenience which, under the circumstances of the case, would be unreasonable, he may, instead of issuing orders for the trial before himself under Section 451A, transfer the case for trial to such other District Magistrate or to such Sessions Judge as the High Court may from time to time, by rules made by it in this behalf and approved by the Local Government, or by special order, direct.

‘(2.) When a case is transferred under this section to a Sessions Judge or District Magistrate he shall, with all convenient speed, try it with the same powers (including the power of commitment), and according to the same procedure, as if he were a District Magistrate acting under Section 451A.’

9. The last sixteen words of Section 459 are hereby repealed, and in the same section, after the words ‘any Magistrate,’ the words ‘or any Judge presiding in a Court of Session’ shall be inserted.

10. In Section 462, after the figures ‘460’, the following shall be inserted, namely,—‘or before the Court of a District Magistrate or Sessions Judge proceeding under Section 451A or 451B.’
11. (1) In Section 526, after Clause (d), the following shall be inserted, namely,—  
‘or,  
(e) That such an order is expedient for the ends of justice.’  
(2) In the same section, after Clause (3.), the following shall be inserted namely,—  
‘or  
(4.) That an accused person be committed for trial to itself or to a Court of Session.’
12. After Section 526 the following section shall be inserted, namely,—  
‘526A. If in any criminal case or appeal, before the commencement of the hearing, the public prosecutor, the complainant or the accused notifies to the Court before which the case or appeal is pending his intention to make an application, under Section 526, in respect of the case, the Court shall exercise the powers of postponement or adjournment given by Section 344, in such a manner as will afford a reasonable time for the application being made, and an order obtained thereon, before the accused is called on for his defence, or, in the case of an appeal, before the hearing of the appeal.’
13. To Section 528 the following shall be added, namely,—  
‘A Magistrate making an order under this section shall record in writing his reason for making the same.’

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# Index

## A

Act II of 1869 12  
Act III of 1884 267, 307  
Act IV of 1877 13  
Act X of 1882 295  
Act XXV of 1861 7  
Act XXV of 1869 29  
Afghan War (Second) 14  
Aitchison, Charles U. 27, 129, 170  
Aiyar, T. Muttasami 125, 153, 173  
Akbar, Emperor 60  
Akroyd, Annette (*see* Beeridge)  
*Akhbar-i-Am* 66, 91, 291  
*Aligarh Institute Gazette* 291  
Allen, Robert G. 195  
Allen, Sir George 240  
Amalgamated Society of Railway  
    Servants 196  
Amir Ali 213, 240, 254, 255, 261,  
    262, 266, 267  
*Amrita Bazar Patrika*, the 22, 58,  
    67, 84, 89, 90, 120, 134, 137, 139,  
    143, 150, 158-160, 164, 181,  
    218, 222, 223, 243, 256, 258,  
    265, 271, 272, 276  
Anglo Oriental College of Aligarh 19  
Anjuman-i-Islam 73  
Anjuman-i-Mufid-i-Am 146  
Anjuman-i-Punjab 50  
Antrobus, H.A. 30  
Apcar, J.G. 144, 225  
Arendt, Hannah 287  
Argyll, Duke of 11, 14, 193  
Arbuthnot, Alexander J. 189

Arthur, Prince, Duke of Connaught  
    214, 234, 235  
Ashmead-Bartlett (M.P.) 189  
Assam Company 8, 112  
Atkins, F.T. 195, 197, 204, 205,  
    241, 243, 253  
Aurangzeb 60

## B

Badshah, Kavasji Jamasji 13  
Baldon, Samuel 30, 57, 92  
Balloon Society 197  
Banerjee, Surendranath 12, 13,  
    129, 181, 182, 194, 217, 222,  
    223, 226, 288  
*Bangabasi* 184, 225, 271, 291  
Bangiya Sahitya Parishad 33  
Baring, Sir Evelyn 27, 81, 83, 102,  
    150, 213, 229  
Barnes, Francis C. 158, 222  
Bayley, Sir Steuart 18, 53, 97, 101,  
    102, 233, 236, 237, 240, 241,  
    245, 246, 256, 274  
Beames, John 30, 156, 164, 165,  
    218, 220  
*Behar Herald* 180  
Bengal Association 73  
Bengal Chambers of Commerce  
    19, 53, 57, 60, 74  
Bengal Club 114  
Bengal Revenue Board 19  
Bengal Rent Bill (*see* Bengal  
    Tenancy Bill)  
Bengal Tenancy Bill 28, 200, 226,  
    280  
*Bengal Times*, the 138, 141

- Bentinck, Sir W. 51  
 Bernard, Charles E. 17, 26, 101  
 Beveridge, Annette 166, 282, 285  
 Beveridge, Henry S. 166, 218, 219,  
     282  
*Bharat Bandhu* 98  
*Bharat Mihir* 91  
 Biddulph, Col. John 204, 210  
 Bigg, Dr. Sherman 75  
 Bihar Indigo Planters' Association  
     53  
 "Black Act" 7, 51  
 Bleeck, W. 64  
 Blunt, Wilfred S. 93, 255  
 Bolt, Christine 30  
 Bombay Chamber of Commerce  
     54, 165  
*Bombay Chronicle* 271  
*Bombay Gazette* 22, 48, 66, 95, 96,  
     98, 137, 142, 145, 153, 156, 161,  
     189, 199, 226, 234, 252, 268,  
     271, 302, 304  
 Bombay Presidency Association 284  
*Bombay Samachar* 40, 49, 166, 257,  
     292  
 Bonnerjee, W.C. 266  
 Bowman, William Dodgson 90  
*Brahmo Public Opinion* 181, 182  
 Brahmaputra Valley 9  
 Brahmo Samaj 22, 166, 291  
 Branson, James H.A., 64-66, 70,  
     71, 73, 84, 163, 164, 180, 197,  
     218, 292, 299  
 Bright, John 193  
 British Army in India 211  
 British Crown (*also* Crown) 11, 16,  
     82, 208, 211, 233  
 British India Association 22, 73,  
     77, 199  
 British India Committee 193  
 British India Empire 186, 287  
 British League 72  
 British Raj 2  
 'Britannicus' 143, 146, 153-156,  
     160, 161, 227  
 Bryce, James Viscount 90, 91, 159,  
     160, 221  
 Buchanan D.H. 30  
 Buckland, C.T. 192, 239, 240  
 Burne, Owen 41, 156  
 Burton, Sir Richard 155
- C**
- Cable, Boyd 33  
 Calcutta Bar Library 144  
 Calcutta Chamber of Commerce  
     109, 110, 159  
 Calcutta Traders Association 90  
 Calcutta University 69  
 Cambridge, Duke of 228  
 Campbell, Sir George 194, 267  
 Capitulations Treaties 120  
 Carmichael, David F. 26, 70, 107  
 Carnarvon, Earl of 116  
 Carstairs, Robert 130  
 Carson, Dave 221  
 Carter, A. McL 158  
 Charley, Sir William 213, 244  
 Charter Act of 1813 7, 8  
 Charter Act of 1833 5, 10, 194,  
     221  
 Chartism 15  
 Chenery, Thomas 41, 51  
 Chiplonkar, S.H. 146  
 Christian Socialism 15  
 City of Dreadful Night, the 2  
*Civil and Military Gazette* 2, 22,  
     47, 65, 85, 93, 107, 252  
 Civil Procedure Code 157  
 Clark, S.E.J. 140  
 Cochrane, A. 35  
 Coldren, Rev. M. 174  
 Colvin, Sir Auckland 313, 245-247,  
     250, 261, 262, 273-275, 277  
 'Competition Wallahs' 14, 38, 80,  
     131, 202  
 Conservative Party 185  
 Cordery, John G. 175  
 Cornwallis, Lord Charles 89, 198  
 Cotton, H.J.S. 30, 163, 175, 240,  
     283-285  
 Council of India 27, 40, 44, 70  
 Covenanted Civil Service 5, 10,  
     11, 13, 25-27, 36, 38, 81, 82, 95,  
     99, 172, 176, 202, 294-296

- Cox, Edmund C. 107  
 Cranbrook, Viscount 153, 176, 226, 227  
 Criminal Procedure Code 7, 12, 24, 25, 63, 178, 251, 198, 253, 259, 280, 295, 305, 307  
 Cromer, Lord (*see also* Baring, Sir Evelyn) 18, 149, 150  
 Cross, John K. 53, 61, 89, 94, 132, 185, 186, 189, 200, 203, 223, 228  
 Crosthwaite, Charles H.T. 101, 170  
 Crust, Robert N. 193
- D**
- Daily News* 48, 99, 187, 193, 253  
*Daily Telegraph*, the 43, 44  
 Dalhousie, James, First Marquis 7  
 De, Brajendranath 13, 25, 164, 218  
 Deb, Raja Rajendra Narain 133, 168  
 Defence Association (European and Anglo-Indian) 108, 110, 111, 113, 114, 140, 144, 145, 150-53, 160, 168, 192, 195, 196, 199, 200, 203, 210, 215, 216, 221, 224, 225, 228, 229, 233, 235-237, 240, 242-244, 248-252, 256, 258, 260-262, 264, 270, 275, 283  
 Defence Fund 107, 110, 113  
*Dnyanodaya* 50  
 Dibrugarh resolution 56  
 Digby, William 188  
 Dufferin, Marquis of 280  
 Duff, Mountstuart Elphinstone Grant 17, 26, 95, 96, 101, 146, 161, 169, 170  
 Durand, Mortimer 35, 103, 149-151, 229, 230  
 Dutt, Romesh Chandra 12, 25, 117
- E**
- East India Association, 103 193, 237, 255  
 East India Company 5, 15, 29, 154
- East India Railway 74, 108  
 Eden, Sir Ashley 23, 25, 70, 114, 152, 201, 202, 272  
 Edwardes, Michael 139  
 Elections (1880) 156  
 Elliot, Charles A. 17, 26, 34, 101, 102, 108, 111, 127, 150-152, 171, 174, 220, 240, 261  
 Ellis, Barrow H. 13  
 Elphinstone College 72  
 Elsmie, G.R. 32, 107, 156, 228  
 'Empress Vs. Privilege of Cowards' 58  
*Englishman, the* 21, 40, 44, 46, 48, 50, 58, 59, 63, 83, 86, 90, 92-96, 98, 106, 120, 121, 135, 140, 141, 152-155, 157-160, 164-167, 180-182, 194, 196, 200, 201, 206, 207, 218, 219, 221, 222, 224, 225, 227-229, 232, 234, 235, 240, 244, 252, 261, 264, 268, 271-276, 282, 297, 302  
 Eurasian and Anglo-Indian Association 65, 145  
 European and Anglo-Indian Defence Association (*see* "Defence Association")  
 Evans, Griffith H.P. 19, 37, 39, 52, 79, 81, 82, 92, 106, 129, 150, 153, 202, 240, 243, 245, 247, 262-264  
 Ezra, E.D.J. 110, 144
- F**
- Fergusson, Sir James 17, 70, 89, 146, 156, 161, 169, 218, 219, 221, 241, 261, 285  
 Field, C.D. 129  
 Finter, N. 64, 145  
 Fletcher, F. 158  
 Forster, W. E. 69-70  
 Frere, Bartle 163  
 Fuller, R.A. 33  
 Furrell, James W. 140, 182, 222, 240

**G**

**Garth**, Richard 28, 51, 104, 105, 138, 216  
**Geary**, Grattan 22  
**Ghose (Ghosh)**, Manmohan 166, 255  
**Ghosh**, Lalmohan 194  
**Ghosh**, Shishir Kumar 33  
**Gibbon**, T.M. 214  
**Gibbes**, James 18, 24, 31, 83, 102, 107, 111, 141, 150, 151, 160, 213, 230, 241, 245, 246, 256, 273, 274  
**Gladstone**, William E. 14-19, 31, 33, 100, 107, 142, 149, 178, 185-196, 209, 217, 221, 223, 228, 253, 275  
**Gobind Singh Sabha** 147  
‘**God Save the Queen**’ 65  
**Gopal**, S. 89  
**Gordon**, Gen. Charles G. 185  
**Gould**, M. 55  
**Government of India Act** 11  
**Grant**, Charles 154  
**Granville**, Earl of 149  
**Great Eastern Hotel** 108  
**Grey**, Earl De 15, 86  
**Grievance Committee** 34  
**Griffiths**, Sir Percival 30, 226  
**Gubbey**, Elias S. 110 144  
*Gujarat Mitra* 177  
**Gupta**, Behari Lal 12, 24, 36, 44  
**Gupta**, J.N. 34  
**Gupta**, Krishna Govind 13, 25

**H**

‘**Hai Hai Minstrels**’ 114  
**Halifax**, Lord (*see also* Wood, Sir Charles) 222  
**Harrison**, Henry 163, 222  
**Hartington**, Marquis of (Spencer Compton Cavendish) 15, 17-19, 27, 28, 34, 35, 69, 172, 186, 190, 205, 207  
**Hastings**, Warren 9  
*Hindoo Patriot*, the 22, 40, 49, 50, 60, 66, 77, 85, 133, 158, 160,

163 164, 167, 180, 199, 218, 222, 236, 256, 257, 268, 272.

**Hindu**, the 22, 55, 74, 84, 85, 95, 98, 117, 134, 148, 158, 159, 236, 238, 257, 268, 271, 277, 283

**Hinduism** 196

**Hindu Samaj** 147

**Hill**, C. 56

**Hobbes**, Thomas 71

**Hobart**, Lord 15

**Hobhouse**, Arthur 152, 224

**Holland**, Bernard 32

**Hope**, T.C. 18, 29, 77, 81, 83, 101, 245, 247, 275

**Hopkinson**, Henry 189

**Houghton**, Walter E. 93

**House of Commons** 15, 53, 82, 83, 132, 185, 186, 205, 208, 232, 267, 281, 300

**House of Lords** 132, 136, 141, 202, 281

**Howrah municipal election** 283

**Hudson**, W.B. 53, 208, 239

**Hughes** Thomas, 69, 149, 155, 212, 221, 224, 225, 227, 229, 276

**Hume**, Allan Octavian 69, 108, 149, 183, 216, 226, 230, 234, 276, 283, 285,

**Hunter**, William Wilson 19, 31, 34, 80, 89, 198, 262

**I**

**ICS (Indian Civil Service)** (*See Convenanted Civil Service*)

**Ilbert Bill** 25, 27, 28, 39, 41, 43, 46, 48, 49, 52, 54, 55, 57, 71, 72, 75, 76, 87, 97, 107, 109, 113-118, 120, 121, 124, 125, 131, 137, 139, 140, 143, 144, 147, 148, 162, 165, 167, 169, 178, 181, 184, 188, 191, 192, 194, 195, 197, 200, 205, 207, 218, 223, 225, 226, 232, 237, 238, 241, 243, 253, 260, 266, 269, 270, 283, 284, 288, 290, 297, 302, 307

- Ilbert, Courtenay Peregrine 18, 27, 28, 29, 32, 35, 37, 39, 43, 48, 51, 52, 79, 83, 91, 92, 102, 103, 116, 131, 141, 150, 160, 167, 176-178, 198, 213, 216, 219, 221, 225, 227, 229-231, 242, 245, 250, 262, 263, 266, 275, 276, 281.
- Imperial Council (*See* Legislative Council)
- Imperial Gazetteer of India* 19
- India Council, (*See* Council of India)
- India Mirror*, the 22, 67, 87, 158, 180, 215, 237, 242
- Indian Association 73, 183, 225, 233, 272, 283
- Indian Association of Allahabad 147
- Indian Daily News*, the 21, 40, 58, 63, 65, 77, 108, 137, 140, 141, 153, 216, 268, 275
- Indian High Courts Act of 1861 150
- Indian Law Commission 7
- Indian National Congress 69, 194, 284, 290
- Indian Political Association 187
- Indian Railway Servants Society 195
- Indian Reform Association 197
- Indian Spectator* 22, 61, 67, 120, 145, 258, 283
- Indian Tea Association 56, 109, 112, 114, 187
- Indigo riots 159
- Indu Prakash* 67, 85, 265
- Inland Emigration Act 92
- International Exhibition 214, 234
- Ipswich election 213, 244, 245
- Iyer, G. Subramanya 22, 291
- Jeejeebhoy, Nanabhoy Byramjee 166
- Jeffreys (Judge) 182
- Jones, W.B. 156, 170
- Judicial Service 6
- Junior Midland Conservative Club 187
- Justice of the Peace 7, 8, 12, 23, 24, 27, 34, 36, 37, 39, 170, 178, 221

**K**

- Kaiser-e-Hind* 85
- Kaside Mumbai* 146
- Kayastha Literary and National Association of Ajmer 147
- Kayastha Patsala 147
- Kaye, John William 10, 29
- Kennedy, J. Pitt 64
- Keswick, J.J.J. 52, 53, 63, 66, 114, 115, 119, 208, 234, 240, 243, 297, 302
- Khan, Moulvi Khuda Bux 145
- Khan, Nawab Sayyid Wilayat Ali 145, 255
- 'Khansamah Bahadur CIE' 179
- Khan, Syed Ahmed 19, 78, 145
- Kilbracken, Lord 149
- Kimberley, Earl of (John Wodehouse) 35, 40, 53, 61, 67, 77, 89, 91, 94, 97, 98, 101, 115, 149, 150, 155, 186, 189, 190, 202, 204-206, 209, 211, 219-221, 223, 227-229, 241, 243, 247, 249, 253, 261, 268, 271-273, 275-277, 285
- Kipling, Rudyard 2, 4, 107, 151
- Kisch, Herman 232
- Knight, Robert 21, 234, 242
- Koh-i-Nur* 271, 291

**J**

- Jabbar, Moulvi Abdul 145
- Jackson, Sir Louis 163
- Jam-e-Jamshed* 50, 145, 177, 257
- Jarida-i-Rozgar* 146

**L**

- Laha, Durga Charan 19, 78, 83
- Lachhmeswar Singh, Maharajah of Durbhangā 214
- Lafont, Rev. E., 168

- Lambert J. 105, 110, 115, 150, 151, 161, 184, 199, 208, 218, 222, 223, 226, 228, 229, 233  
 Lawrence Hall 85  
 Lawrence, Lord John 15, 31  
 Lawson, Charles 47  
 Lees, Col. William Nassau 91  
 Legislative Council 6, 7, 12, 17, 18, 24, 27, 36, 64, 73, 83, 122, 204, 208, 235, 248, 254, 261, 263, 267  
 Lethbridge, E. Roper 192  
 Liberal Government 280  
 Liberal Party 18  
 Loyd Bank 114  
 Local Self-Government 179  
 Logan, William 122  
 Lovett, H. Verney 31, 89  
 Lyall, Alfred C., 17, 26, 70, 102, 146, 161, 170, 174, 207, 215, 217, 228, 261  
 Lyall, J.B. 174  
 Lytton, Edward, First Earl of 14, 19, 128, 132, 152, 159, 176, 185, 192, 202, 207

**M**

- Macaulay, T.B. 7, 51  
 Macfarlane, D.M. 167, 178, 187, 238  
 Macgregor, J.C. 51, 62, 69, 104, 138, 141, 160, 183, 184, 187, 194, 203, 236, 271  
 Mackenzie, Alexander (Govt. of India Secretary) 26, 31, 241, 245, 273, 174, 277  
 Mackenzie, Alexander (Madras businessman) 54, 55, 92, 108, 120, 121, 158  
 Maclean, J. Mackenzie 189, 283  
 Madge, W.C. 145  
*Madras Mail*, the 40, 44, 47, 55, 75-77, 92, 96, 98, 137, 153, 154, 273, 275  
*Madras Times*, the 142, 188, 252  
 Magna Carta, 51, 119-121  
 Mahomedan Literary Society 73, 145

- Maine, Sir Henry 30, 206  
 Malabar Chamber of Commerce 158  
 Malleson, Col. G.B. 30, 189  
 Mandlik, Vishvanath Narayan 49  
 Mannoni, O. 289  
 Mason, Philip 5, 29, 139  
 Massingham, H.W. 90  
 Mayo Hall 74  
 Mayo, Richard S.B., Sixth Earl 75  
 Mehrotra, S.R., 150  
 Mehta, Pherozeshah 147, 255, 284  
 Metcalf, Thomas R. 30  
*Mihr-i-Nimroz* 93  
 Miller, Robert 19, 52, 63, 79, 136, 169, 262  
 Misra, B.B. 29  
 Mitra, Raj Jogeshur 97  
 Mitter, Romesh Chander 28, 124, 173, 220  
 Mookherjee, Sambhu Chander 49, 266, 277  
 Moore, R.J. 6, 32, 33  
 Morley, John 91  
 Morris, John H. 17, 26, 170  
 Murthy, Nadig Krishna 33  
 Mutiny (1857) 7, 8, 18, 63, 155, 168, 182, 207

**N**

- Natralian, J. 33  
 National Mahomedan Association 73, 145, 213, 255  
 National War Museum 149  
 Native Association of Kalka 147  
 Native Civil Service 36, 38, 118, 296  
*Native Opinion*, the 157  
*Navavibhakar* the 98  
 Non-Regulation Provinces 38  
 Norris, John F. 181, 183  
 Northbrook, Lord (Thomas George Baring) 17, 18, 21, 32, 51, 69, 90, 91, 104, 115, 149, 152-154, 176, 185, 188, 204, 210, 211, 219, 223, 227-229, 236, 243, 244, 252, 269, 272, 274, 276

Northcote, Sir Stafford, 31 190

## O

- Observer*, the 141
- O'Malley, L.S.S. 29
- Orissa Peoples' Association 147
- Orr, R.G. 55
- Osborn, Col. Robert D. 253
- Ottoman Empire 21, 120, 121, 137
- Oudh Akhbar* 84, 291

## P

- Pal, Bipin Chandra 284
- Pal, Kristo Das 22, 77, 78, 83, 97, 198, 262, 267
- Pall Mall Gazette* 49, 91, 104, 193, 276
- Patel, Sorabjee Framjee 166
- Peel, Lawrence 153
- Peet, Major Henry J. 108, 174
- Peoples Association of Dacca 237
- Phear, Sir John B. 193
- Pinafore, H.M.S. 99
- Pinhey, Judge Robert Hall 157
- Pioneer*, the 22, 25, 35, 40, 47, 58, 59, 62, 66, 75, 76, 83, 87, 89, 93, 94, 96, 107, 126, 129, 154, 156, 159, 186, 197, 198, 201, 205, 219, 227, 228, 231, 235, 240, 241, 252, 257, 268, 271, 273, 274, 281
- Poll-Carew, Captain 149
- Pollock, Frederick 32
- Poona Sarvajanik Subha 146, 265
- Prabhakar Sambad* 67, 291
- Pratt, W.H. 110
- Press Act 19
- Press Commission 33
- Primrose, Henry 106, 149-152, 218, 226, 228, 255, 274
- Prinsep, Henry Thoby 172, 231, 239, 271
- Privy Council 188, 174
- Purusotam Patrika* 98

## Q

- Queen's Proclamation 61, 177, 178, 194, 221
- Quinton James W., 18, 80, 83, 124, 242

## R

- Rangoon Gazette* 85
- Rangoon Samachar* 273
- Rangoon Town Hall 251
- Rast Goftar* 40, 50, 67, 85, 236, 258, 292
- Rastomji Cursetji 13
- Regulation Provinces 38
- Reis and Rayyat* 49, 68, 198, 256
- Reuters 21, 53, 201, 207, 226, 252
- Reynolds, Herberts J. 19, 80, 240, 242
- Riach, William 108
- Ripon, Earl of 15
- Ripon, First Marquis (George F.S. Robinson) 3, 15, 28, 34, 35, 37, 39, 41, 47, 49, 50, 52, 53, 58, 61, 69, 70, 73, 75-77, 83-94, 97-103, 107-110, 123, 127, 141-143, 146, 148-150, 152, 153, 155, 156, 160, 161, 168-170, 174, 177-179, 182, 185-191, 196, 198, 204-216, 219-237, 241-245, 249-258, 262-265, 268-277, 280, 281, 283, 285, 305
- Risley, H.H. 156
- Roberts, Gen. Sir Frederick 26
- Robinson, H.C. Thorpe 123, 156

## S

- Salisbury, Third Marquis (Robert A.T.G. Cecil) 13, 14, 136, 207
- Sanders, L.C. 89
- Sandford, John D. 26
- Sanial, S.C. 33
- Sanjivani* 243, 277
- Sanyal, Ram Gopal 97
- Sargent, Sir Charles 172
- Satara Sarvajanik Subha 147

- Scroggs, Judge 182  
 Seal, Brajendro Coomar 25  
 Seeley, John Robert 158  
 Selborn, Earl of 188  
 Select Committee (of Legislative Council) 261, 266  
 Sen, Keshub Chunder 166  
 Sen, Narendra Nath 22  
 Seton-Karr, W.S. 189  
 Sikh War (first) 15  
 Shivaji 67, 156  
 Shridharani, Krishna Lal 33  
 Simla-ism 215  
 Siva Prasad, Raja 78, 84  
 Smith, Vincent A. 3  
*Som Prakash* 40, 60, 66, 124, 238, 243, 265, 291  
 Sounders, John O'B 240  
*South of India Observer* 141  
 Spangenberg, Bradford Brooks 99  
 Spear, Percival 3  
*Spectator* 94, 156  
 Spence's Hotel 108  
 St. Andrew's Society 231  
*St. James Gazette* 253  
 St. James Hall 192, 225  
 Stanford, J.K. 30  
 Stanhope, Edward 189  
*Statesman* 21, 40, 44, 48, 59, 63, 66, 83, 92, 103, 108, 121, 142, 156, 157, 159, 160, 172, 180, 218, 222, 234, 236, 238, 242, 243, 252, 253, 264, 271, 272, 274, 276, 277, 297, 299.  
 'Statutories' 11, 131, 178, 201  
 Stephen, James Fitzjames 12, 45, 71, 101, 117, 132, 134, 149, 185, 187, 212  
 Stewart, General Donald M. 18, 24, 69, 81, 101, 178, 245, 247  
 Stokes, Whitley 18, 24, 27  
 Storey, Graham 33  
 Strachey, Sir John 29, 31  
 Stratford, Wingfield 93  
 Stuart, Justice Robert 156  
 Subordinate Executive Service 23, 39  
 Suez Canal 20  
*Sulabh Samachar* 98, 291  
 Supreme Court 6  
*Swadesamitran* 291
- T
- Tagore, Maharaja Jotinder Mohan 19, 24, 77, 199  
 Tagore, Satyendranath 11, 24, 127  
 Tara Chand 33  
 Tea Association of Cachar 109  
 Tea Association of Calcutta 109  
 Telang, K.T. 147, 255, 284  
 Temple, Richard 30  
 Tenancy Bill, (*See Bengal Tenancy Bill*)  
 Tennyson, Alfred 1  
 Thakur, Shripad Babaji 13  
 Thomas, Henry S. 18, 122  
 Thomason College 14, 27  
 Thompson, A. Rivers 18, 24, 77, 81, 84, 98, 101, 143, 149, 153, 160, 171, 201, 208, 219, 222, 228, 232, 261, 285  
 Thorburn, James 166  
 Thorner, Daniel 33  
 Tilak, Bal Gangadhar 22, 265  
*Times of India*, the 22, 40, 44, 47, 58, 65, 76, 83, 86, 91, 92, 98, 141, 145, 153, 155, 165, 205, 218, 228, 252, 275, 277.  
*Times*, the 22, 33, 41, 43, 48, 49, 50, 71, 76, 94, 95, 121, 136, 138, 140, 148, 153, 160, 173, 187, 192, 194, 197, 198, 201, 203, 204, 207, 211, 212, 218, 227, 229, 235, 252, 271-273, 276, 277  
 Tinker, Hugh 33  
 Town Hall meeting 63, 66, 68, 71, 113, 114, 139, 145, 160, 180, 219, 266, 283, 302, 304  
 Townsend, Meredith 94, 155  
 Trades Union Congress Parliamentary Committee 197  
 Trevelyan, George Otto 29, 30  
 Trevelyan, Sir Charles E. 193  
 Turner, Charles A. 127, 156, 173, 177

Turner Compromise 190, 211,  
235, 236, 241, 242, 245  
'Turnerized Bill' 248  
Tyabji, Badruddin 73, 145, 161,  
256, 248

## U

*Udbodhan* 271  
Uncovenanted Services 6, 103  
United Kingdom Citizens Association, 151

## V

Vakils Association 73  
Victoria, Queen 11, 186  
*Voice of India* 157

## W

Weaver, J.R.H. 32

Wedderburn, William 95  
West, Henry 244  
West, Judge Raymond 156, 173  
Westmacott, E.V. 182, 222  
Wheeler, Stephen W. 85  
White, David S. 145  
Whitehead Rev. Henry, 4, 122,  
155, 284  
Wilkins, H.J. 222, 223  
Wilson, General Thomas S. 18,  
24, 27, 81, 101, 232, 245, 246  
Wolf, Lucien 32  
Wood, Sir Charles 11, 15, 22, 69  
Wordsworth, W. 72, 96, 108,  
118  
Working Men's Constitutional Association 197

## Z

Zemin, D.J. 110











